

## A CRITICAL ANALYSIS OF THE ROLE OF TRADITIONAL CHIEFS/RULERS IN CONTEMPORARY NIGERIA

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### **Abstract**

The paper takes a critical look at the place of traditional rulers in contemporary Nigeria. It examines the role of chiefs from a historical perspective while highlighting the cases for and against continued existence of chiefs in Nigeria. Taking a contemporary example on the influence of chiefs, it comes to the conclusion that chiefs will continue to be relevant in Nigeria for so many reasons and advocates a constitutional role for chiefs to legalize their widely acknowledged influence.

### **Introduction**

The chieftaincy institution in Nigeria is one that has suffered and continues to suffer a lot of opposition. The extent of ill will against the institution is expressed in the words that have been used to describe them; "parasites", "looters" and such other derogatory terms. The recommendations against the institution range from a call to democratize the institution and the extreme call to have the institution scrapped (Report of the Political Bureau, 1987:149-150).

This paper traces the origins of the chieftaincy institution in Nigeria, and discusses their historical and contemporary role and significance and makes a case for their retention.

#### Origin of the Chieftaincy Institution in Nigeria

A traditional ruler is a person who by virtue of his ancestral background occupies the throne or stool of an area and who has been appointed to it in accordance with the custom and tradition of the area and has suzerainty over the people of that area (Egwu, 2007:1).

The origin of the chieftaincy institution in Nigeria predates the birth of Modern Nigeria in 1914. Bitiyong (1987a: 30), has made the argument that the institution "in Nigeria seems to be the most enduring pre-colonial institution to have "survived" through the different phases of Nigeria administration to date" This argument seems to give credence to the resilience of the chieftaincy institution in Nigeria. This resilience of the institution is explainable. In the colonial period according to Bitiyong (1987a: 33):

... the colonialists found these traditional institutions so amenable to their administrative objectives that they not only uplifted the positions of traditional rulers but in fact "created" others in areas that hitherto had never had any such rulers.

This amenability of the chieftaincy institution to the administrative objectives of the colonialist set the tune for a future role for traditional rulers so

much so that even though their degree of importance has lessened considerably over the years after independence they have “never been completely overlooked by any administration in the country” (Bitiyong, 1987a: 33). As Whitaker (in Egwu 2007:4), has argued in this direction, traditional institutions in Nigeria “have demonstrated remarkable adaptive qualities” (in Egwu, Op. cit: 4).

Bitiyong (1987a), locates the origin of what he calls the “contemporary forms” of the chieftaincy institution in Nigeria to the beginning of colonial rule. This seems to be a very faulty understanding of the origins of the chieftaincy institution in Nigeria.

Chieftaincy institutions where they existed in pre-colonial Nigeria were well established systems with well defined, administrative, military, judicial and economic sub-systems. It was the functionality of these systems that encouraged the adoption of the indirect rule policy. Granted that chieftaincy institutions in some Nigeria societies like the Igbo and Tiv societies - in their “contemporary forms” were colonial creations, it was the workability of the existing pre-colonial forms that encouraged the creation of these colonial chieftaincy institutions where they did not exist. It is therefore, not historically correct to say that the traditional institutions in their “contemporary forms” are traceable to colonial rule.

### **The Case Against Chiefs**

The major argument against the continued existence of traditional rulers/institutions is that they have lost their “traditionalness” (Bitiyong, 1987a:33). Also the institution is accused of having collaborated with the colonialist in entrenching capitalism and since the objectives of capitalism is obnoxious to Nigeria’s sensibilities, those institutions which helped to entrench it have lost all dignity and should go. Furthermore, these traditional rulers are not above partisan politics and this has led to a loss of confidence in them on the part of the masses who they “rule”.

For all these reasons “nothing short of a complete scrapping of these institutions would do for the progress and stability of Nigeria”. In short, laying the foundations of a truly democratic, united and progressive Nigeria shall involve the abolishing of all traditional rulers. This is a very serious conclusion to arrive at and one can only say that it has serious implications, which that, the traditional institutions constitute an obstacle to progress, stability, unity and democracy in Nigeria. But is this really so?

If we argue that traditional rulers collaborated with the colonialist in ripping off their own people, then we begin to lose sight of the resistance of some traditional rulers against colonial invaders which led to the deposition of many of them. For example, King Jaja of Opobo, Sultan Alhaji of Sokoto and others were deposed after a stiff opposition to the colonialists. The truth of the matter is that the chiefs were subdued by the superior military might of the British!

### **The Case for Chiefs**

Bitiyong (1987a: 30), has made the point that chiefs “were (and are still) seen to promote the social, religious and political activities of their societies”. Adegbite (n.d: 92), also makes the point that, “a chief is the acknowledged leader of

his community”. This gives the chiefs an almost unquestionable ability to “reach” his people more than any other persons/institution.

In the pre-colonial scheme, chiefs where they existed, were the unchallenged leaders of their people. In the colonial scheme especially in the North, they played major roles, in the words of Bitiyong (1987a: 37), albeit at the whims of the colonial administration. The influence of chiefs even extended to the independence era until the overthrow of their political influence was completed with the adoption of the new constitution of the Federal Republic of Nigeria in 1979 (Adegbite, nd, 95).

What can be deduced from the foregoing discussion is that “there is not any more real political role left for chiefs in Nigeria today” (Adegbite, nd, 95). He also makes the argument that though chiefs can be consulted by any tier of government “such consultation is purely advisory” but he goes on to add that that does not mean “that chiefs are no longer influential” (Adegbite, nd, 95).

This paper argues that even though chiefs have no constitutional/political role *per se* they cannot be perceived as only *influential*, they have specific well defined if you like, traditional roles to play in the various societies. They resolve disputes between their people and are members of the security committees at the federal, state and local government levels.

A pertinent question to ask at this point is: can traditional rulers exist in a democracy? This question is imperative especially in a country such as Nigeria where traditional rulers have showed a lot of resilience.

#### Traditional Rulers in a Democracy

The implication of our definition of a traditional ruler is that inheritance becomes one sure way of ascending to the position and only those who can establish that they belong to ruling families can legitimately aspire to positions of traditional rulership.

A democratic society on the other hand, is governed by the constitution as the supreme law of the land. Ascension to position of power is determined by the consent of the people freely expressed in a competitive election in which the people choose between alternatives. Unlike traditional power and institutions, privileges of birth and inheritance have no role in determining those who come to power. More fundamentally, terms of office and modes of succession are prescribed by the constitution, while the actions of occupants of office are regulated by the law (Egwu, 2007:2).

Egwu (2007),. argues that, since independence, there has been a concern with the question of how to address the tension. Not unexpectedly, therefore, in all the major political debates in post-independence Nigeria, the role of traditional rulers has received a lot of attention in addition to several panels and **Victor Egwemi and Jacob Akoh William**

commissions appointed by the government. This was the case during the nationwide debate conducted under the auspices of the Political Bureau in 1987 and the recent National Political Reform Conference (NPRC). The Dasuki Committee on the Review of Local Government Administration in Nigeria and the Etsu-Nupe Committee appointed by the Obasanjo administration in 2003 for the same purpose devoted substantial attention to the role of traditional rulers.

There are a number of philosophical and theoretical issues raised by examining the challenges of traditional institutions in a democratic setting. These

issues are summarised in the question of whether traditional institutions and politics are strange bedfellows. In the literature, Egwu (2003:3), argues that, there appears to be some consensus on the role of traditional institutions in the process of modernization and social change. The consensus is that, traditional institutions are a nuisance and a stumbling block to social change and progress. This view is widely shared by both orthodox social scientists and historians preoccupied with issues of institutional transformation and change and scholars of radical and Marxist persuasion. For the orthodox social scientists and historians pre-occupied with issues of institutional transformation and modernization, for example, traditional institutions are a hindrance and should be completely de-politicized and divested of all political functions and relevance. In the same vein, scholars of Marxist orientation have reached the conclusion that chieftaincy institutions are not only oppressive vestiges of the feudal past, but also as anachronistic and dysfunctional to the modernization process. What these positions tend to suggest in effect is that, traditional institutions and modern democratic form of politics in particular are strange bedfellows.

The tension between traditional institutions and the expectations of a democratic society appears more obvious when they influence they exert over land is brought to the fore. In such local communities where traditional rulers are held in high respect, they are known to have used their position to influence land allocation in favour of themselves, families, cronies and urban-based big wigs. Indeed, communal conflicts in several parts of Nigeria including Zango-Kataf and Wase are associated with land alienation perpetrated by traditional rulers in which hundreds of peasants are dispossessed of their land.

There is yet another sense in which traditional institutions could become a liability to the democratic process. Traditional rulers stand at the apex of the country's culturally diverse communities. Since they claim to espouse the collective communal identities and values, of the various groups, they symbolically reinforce ethnic and communal political identity and could pursue values and goals that could negate the national political objective of unity and integration (See for example the question of Sharia and the emirs).

However, despite the tendency to perceive traditional institutions as both harmful and inimical to the cause of modernization including the establishment and routinization of a democratic society, the reality of the Nigerian society should force us to have a re-think and devise strategies for engaging and cultivating traditional institutions while ensuring that democratic ethos and values are preserved in the interest of the majority of the population.

Whitaker (in Egwu, 2007:3-4), extensively used the example of northern Nigerian from the colonial time to the post-independence period to show that political development and change has been driven by the constant interface and interpretation between tradition and modernity. Using the concept 'dysrhythmic', he carefully shows that while change in northern Nigeria moved in the direction of a pattern of modernity, the political system is sustained by a pre-modern institution. For any body familiar with the history of colonial domination in northern Nigeria and the system of Native Administration that evolved into the post-independence period, the dichotomy between the evolving modern state system and the inherited pre-

colonial system of administration is somehow meaningless.

What this draws attention to, is the complementary relationships between those who legitimately control the modern state sector and traditional rulers. In this sense, they need one another because of the exigency of governance and the maintenance of law and order.

Traditional institutions have their basis in pre-colonial structures of governance and administration. The specific nature of these institutions, however, varied from one political domain or the other. For example, while the Hausa/Fulani political institutions that emerged from the jihadist movements of the early 19<sup>th</sup> century produced centralized system of rule under the Emir, the experience in the Yoruba speaking area where something akin to a constitutional monarchy obtained, was somehow different. In other places, absence of centralized political institutions was the case as it were among the Igbo and the Tiv of Eastern and Central Nigeria respectively.

But it was the colonial administration that elevated traditional institutions over and above their traditional powers. The quest to ensure control over a conquered people, the dilemma of alien rule, ensured that traditional rulers were co-opted into the new system to enhance the regulatory and extractive functions of the colonial state. In the core northern state, this gave rise to the Indirect Rules System. The success of the system here encouraged its extension to other parts of Nigeria including the Eastern Nigeria where “warrant chiefs” were appointed in the absence of a ruler with centralized authority. The implication was that the responsibilities assigned to them took their powers and authority beyond the traditional domain while their traditional essence was destroyed because they now existed at the service of imperialism.

Successive military leaders, realizing their inherent legitimacy deficits, have successfully courted traditional rulers. The post-colonial in many instances, created new traditional domains of authority as part of the desperate search for legitimacy.

### **Cultivating Traditional Institutions in a Democratic Setting<sup>2</sup>**

The role of traditional rulers in every democratic setting is determined by the specific historical experience of the country. The peculiar history of the United States as the land of immigrants and the reality of American Revolution did not give traditional institutions any place, in Britain, the historic compromise between the forces of tradition and modernity created a monarchy that lacked constitutional powers. Elsewhere in continental Europe, kings have remained without undermining the democratic principles of their various countries.

In Nigeria, it is a fact that traditional office holders have continued to play a significant role in the operation and functioning of the modern state system, especially at the lowest level of governance. Despite the concerted efforts to democratize the institutions of local government since 1968 when the state and federal governments took over the Native Authority Police, Prisons and native courts, and more critically since the 1976 reforms which sought to democratize the system, traditional office holders have continued to be relevant.

Some of the functions assigned to the traditional office holders in contemporary times include advising the local government, assistance in the

assessment and collection of community tax, maintenance of law and order, and the determination of questions relating to chieftaincy matters as well as customary law, especially land tenure. These functions locate traditional institutions at the heart of the Nigerian state and have become critical given the failure of governance and the disruptive impact of structural adjustment policies over the past decades. This is one important sense in which the struggle for the control of chieftaincy titles, including the appointment of District Heads becomes a critical issue all over the country today.

The critical question that arises is, how can the challenge of traditional rulers be addressed in Nigeria's current democratic setting? In seeking to answer this question, it is important to return to public debate generated around the role of traditional institutions in the course of the work of the Political Bureau set up by the Babangida regime in 1987. According to the Political Bureau Report, there were five options advocated by Nigerians including traditional rulers on their role in the polity. These are *Report of Political Bureau* (1987:149-150):

1. The abolition of the institution.
2. The co-optation of the institution to participate in government.
3. The democratization of the system to conform to the process of modern government.
4. The maintenance of status quo.
5. The determination of the relevance and future by the people.

As Egwu (2007), argues, a critical examination of these options leads us nowhere. Democratization, for example, destroys the whole notion of traditional institutions as an inheritance-based system of rule since all the citizens would become eligible. It can unduly politicize traditional office and destroy the traditional essence. Abolition appears unrealistic because of the visibility of traditional office holders, in the Nigerian system and the vested interests that have grown around the institution.

Despite their formal separation from politics, the partisanship of traditional rulers has continued to undermine democracy. For example, identifying with political parties creates a problem for electoral democracy as freedom of voters to make choice is constrained. Traditional rulers are known to have tremendous influence over matters of land allocation and in many instances have used their position to alienate land belonging to poor peasants. They are also known to intervene in the resolution of local and domestic disputes in ways that negate principles of justice and fairplay. Responding to the challenges outlined above requires the following:

- 1) ***Development of a Code of Conduct for Traditional Rulers:*** The problem is not with the formal roles prescribed for traditional rulers; rather it is the informal influence they exert at the peril of the democratic foundation of the Nigerian society. It is high time that a comprehensive code of conduct was put in place for traditional rulers with consequence for dismissal and other forms of penalties for violators.
- 2) ***Civic and Political Education Targeted at Traditional Rulers:*** There is an urgent need to develop a comprehensive programme of civic and political education targeted at traditional rulers to ensure that they appreciate the limits and possibilities to their powers and influence within the confines of

democratic practice.

- 3) ***Civic and Political Education Targeted at Citizens:*** Citizens also need to be educated about the constitutional limits to the powers of traditional rulers and how they can protect themselves from abuses of power within the limits of the law.

In spite of the seeming contradiction between traditional rulers and democratic rule and in the particular case of Nigeria, it seems that traditional rulers themselves correctly or wrongfully believe that they are relics of the past that must be preserved. They will be relevant because traditional rulers have emerged as a powerful voice that can make powerful representation on behalf of themselves either invoking the past or the present. They will continue to be relevant because the politicians have limited reach and would depend on traditional office holders who are based in the grassroots to ensure their continued rule and legitimacy. The politicians can only avoid them when they have people-oriented programmes and can impact directly on the group that required government attention and presence. As it is, all the options are blocked.

What is therefore, left is the need to further clarify the constitutional role and status of traditional rulers, subject traditional rulers to civic and political education so that they can realize the limits of their powers and authority in a democracy, and begin to introduce novel changes by setting the minimum qualifications for people seeking to ascend traditional offices. More importantly, citizens need to be educated on the limits of powers of traditional rulers and how they can be empowered through the law of the land to challenge and checkmate abuses of power that comes from traditional rulers.

#### ***A contemporary Example of the Significance of Chiefs***

That chiefs wield a lot of influence has been alluded to already in this paper. In recent times, specifically at the advent of Yar'Adua's government in Nigeria, the influence of chiefs was demonstrated. The Nigerian Labour Congress and the Trade Union Congress had embarked on an indefinite and total strike on the 20<sup>th</sup> June, 2007. This strike was to protest the increase in VAT and petroleum products prices.

Going by the grandstanding of labour on the strike, it was surprising that the strike only lasted for four days (Young, 2007:5). As it turned out labour, only achieved one of its aims for going on strike - the reverting of VAT to 5%. It did not achieve total reversal of petroleum prices since government only conceded N5 instead of N10 on the price of fuel.

Labour had to call off the strike because Yar'Adua personally gave assurances. But important, the Sultan of Sokoto, a traditional ruler played a key role in the resolution of the crisis. According to one source, reported in a national daily the Sultan spent "at least 12 hours on phone speaking with both labour leaders and government officials" (Osewele, 2007:4). The same source goes on: The Sultan was very concerned about the crisis. As a leader, he could not fold his arms and pretend that all was well when it was obvious that the nation was dangerously on the precipice. Because of his concern, he called President Yar'Adua and NLC to ask how the thing it could be resolved. He did everything possible to assist in striking a deal between the NLC and the Federal Government (Osewele, 2007:4).

That the Sultan was able to intervene and get results shows the influence

which traditional rulers wield in Nigeria. It also indicates that if they are given constitutional roles, they can do more for the country especially in times of crisis given the reverence which they enjoy from the people.

### **Towards a Constitutional Role for Traditional Rulers**

That traditional rulers wield a lot of influence in contemporary Nigeria is a fact. Literally speaking, Nigerians are stuck with traditional institutions and must therefore do something to make their influence constitutional. That is indeed an urgent need. Nigeria's new leader, Umar Musa Yar'Adua alluded to his intention to create a constitutional role for traditional rulers when they visited him on the 1<sup>st</sup> July 2007 (Monitored on Network News at 9, NTA) on 11<sup>th</sup> July, 2007. Whether traditional rulers should be given a constitutional role or not is the basis of the editorial in *Daily San*, July 20, 2007.

The success of such a proposal will depend on the will of the executive, the legislature, the disposition of Nigerians and the kind of representation that the traditional rulers themselves make to any constitutional amendment effort. What is clear above all is that traditional rulers need to be given constitutional roles to complement or legalize their present influence. The National Political Reform Conference (NPRC) made far-reaching recommendations concerning traditional rulers (Tenuche, 2007:7-9).

At the Local Government Level, the NPRC recommended that subject to the peculiarities of each State, the House of Assembly of a State may enact a law for the establishment of a Council of Traditional Rulers for a Local Government Area or a group of Local Government Areas as the case may be and each council shall be presided over by a traditional ruler appointed in the manner prescribed by law. The NPRC recommended the following functions among others:

- a) playing a significant role in the provision of security for their subjects and their domain;
- b) giving general advice to the local government;
- c) advising the local government on proposed development plans;
- d) settling disputes over religion, traditional matters, land matters, subject to land tenure law; and
- e) providing advisory comments on draft estimates of Local Government Council.

Thereafter, as a matter of courtesy, the secretary to the Local Government shall inform the traditional council of the action taken by the Local Government concerning their views.

According to Tenuche (2007:9), while these recommendations are a step forward, it would appear that there is no radical departure from what is on ground as the roles of the traditional institution remain largely advisory. In certain key areas the traditional institution may need to play some more decisive roles. For example: on draft estimates of Local Government Councils, the role of Traditional Rulers may need to move beyond providing advisory comment. In the area of provision of security for their subjects at the Local Government levels where they are expected to play a critical role, the roles should be clearly defined with some corresponding authority She comes to the following conclusion:

It behooves on traditional rulers to study the proposed amendments to the 1999 constitution and present a common position on their roles if this has not been done. As the people who feel the heat

most, they are in a better position to demand for the appropriate powers and resources they would require in responding to the expectations of the state and the citizens (Tenuche, 2007:9).

### **Conclusion**

In asserting the African personality today, there is always talk about the glorious past of Africa. The chieftaincy institutions are *major* part of this great African past. Denigrating the institution as is common today is not in consonance with asserting this past glory.

This paper has shown using the case of the Sultan of Sokoto and his role in the NLC/government confrontation, of June, 2007 that the chieftaincy institution still plays a major stabilizing role in Nigeria of today. Of course cases

of incumbents of these traditional officers who abuse their office exist but this paper contends that these isolated cases are not peculiar to the chieftaincy institution alone. Abuse of office - traditional, business or governmental - is a societal problem that has to be tackled.

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