TRADITIONAL INSTITUTION AND THE MODERN DAY ADMINISTRATION OF NIGERIA: ISSUES AND PROSPECTS

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Abstract
The traditional rulers is 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 stably system of governance. The objective of this paper is to examine the role of traditional institutions in modern day administration. 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, however 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 peace making 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, Democratic, Administration, Grassroots, Colonial rule

Introduction
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 (Fatilde 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; were 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.

Fatilde (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.

The paper is structured in the following sections; the section one examines the debates around the role of traditional rulers in modern administration. The second section discusses their role before and after independence. The third section factors militating traditional rulers participation in modern government. The fourth section is the way forward and the concluding remarks.
Conceptual and Theoretical Analysis
The issue of whether traditional rulers should participate in modern governance remains a subject to debate. The Economic Commission for Africa in its 2007 report identified three different schools of thought. In the first school are those that believe that traditional institutions belong to historical relics and should be rested (Fatıle, 2010). They argue that these institutions not only serve as hindrance to socioeconomic development, they are also divisive and expensive to run. Apart from these, they are viewed as partners to colonial masters who abhorred democracy and as such do not belong to the newly found post colonial independent state (ECA, 2007:10).

Ejiofo (2004) posits that the second school of thought are those who feel that no political transformation can be achieved without the involvement of traditional institutions. It is the belief of these scholars that as custodian of history and culture, traditional rulers are useful in the reconstruction of the African state. This view is corroborated by Dore (2011) that when policy neglects history, culture, and social context, huge amounts of effort and resources can be wasted on poorly conceived initiatives (ECA, 2007:11).

The last school provides a middle of the road argument (Ejiofo, 2004). While acknowledging the shortcomings of the traditional institutions during the period of colonialism, it recognizes the fact that “traditional institutions constitute crucial resources that have the potential to promote democratic governance and to facilitate access of rural communities to public services.” (ECA, 2007:11). In this line of thought are Perrot & Fauvelle-Aymar (2003) who contend that: “Just before the period of independence, the destiny of African (traditional) leaders appeared to be sealed; often accused of simply serving the colonizers, and under all circumstances considered a backward-looking force. It seemed that there was no longer a case for their existence in the new states. Forty years later, traditional authorities have generally survived and often it is the same government officials, university members and the literate elite who previously criticized them who are now being enthroned (Fajonyomi 2010).

The Nigerian situation is not too different from the one exposed above. This is well captured by (Vaughan 2000:12-13) when he argued that:

*The crisis of political legitimacy confronting the Nigerian state is intimately linked to the ambiguous nature of the public sphere and the absence of viable national institutions capable of unifying a deeply fragmented nation state.*

The narratives of local politics that are the focus of our analysis here will be viewed in the context of a process of state formation that rests on a tenuous interaction between ambiguous “traditional” structures and modern bureaucratic institutions. Dore (2011) posits that regional political classes has been to protect their interests by seeking refuge behind traditional structures, themes and symbols that are summoned to validate local aspirations. Fatıle (2010) observe that, state structures are hardly used as effective institutions of administration and governance. Rather, they function largely as mechanisms for allocating patronage and ensuring political domination. Thus, chieftaincy
structures – as communal and ethnic-based institutions – partly reinforce a renter state dominated by ethno-regional commercial and bureaucratic classes.

The sustainable theory for this paper is political participation theory (Sapru, 2008). The theory emphasize the imperative of all inclusive political system and process that draw together social forces and make them the cornerstones of the demoratization process. The traditional rulers in any political society are the essence of the democratic system and they do this through their involvement, contribution and participation in the political process. Ake (1994) see traditional participation as the involvement of the traditional rulers in the process of setting goals and making decision about involvement in the process not just the acceptability of the end results which satisfies the need of the participate.

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 in-charge 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 erring Oba toabdicate 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 the 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 Ohanese 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.

**Role of Traditional Institution in Colonial Administration**

In the period preceding independence, traditional rulers were accorded various constitutional roles. During the colonial period, the system of Indirect Rule or Native Authority system introduced by Lord Lugard gave prominent role in various degrees to traditional rulers. In fact it could be said that the principal actors under the system were the traditional rulers. They were members of the colonial administrative apparatus because they were given wide powers over matters in their domain except the power to keep a regular army and to levy tax (Fajonyomi, 1997). It was the magnitude of the power accorded to traditional rulers under the native authority system that pitched them against the educated elite in the period preceding political independence (Kirk-Greene, 1965).

In the constitutional reforms that preceded independence traditional rulers retained their prominence in governance. The Richards Constitution of 1946 for example established Houses of Assembly in each of the three regions, and a House of Chiefs in the North. Moreover, the Houses of Assembly was composed of official members made up of these appointed by the Governor, and unofficial members selected by the Native Authorities from amongst themselves. Even under the McPherson constitution, traditional rulers had input in the selection of the members of the regional Houses of Assembly. This was in addition to the establishment of Regional Houses of Chiefs in both the North and West. It was the Lyttelton constitutions of 1954 that somehow reduced the constitutional powers of the traditional rulers both at the federal and regional levels (Fajonyomi, 1997). There input was no longer sought in the appointment of members of the two federal houses although at the regional level, there were still the Houses of Chiefs that performed legislative functions. The 1960 and 1963 constitutions also created a Council of chiefs at the regional level and some of them were even regional governors (Fajonyomi 2010).

The 1976 local government reform specifically made provision for an emirate or Traditional Council in each local government accorded with specified functions: To formulate general proposals as advice to Local Governments, to harmonise the activities of Local Government Councils through discussion of problems affecting them generally, and giving advice and guidance to them, co-ordination of development plans of Local Governments by joint discussion and advice, Community Tax Assessment within the area as a whole in consultation with Local Government
Councils and announcement of tax. Also to aid, as is the usual practice in collection of tax, determination of religious matters where appropriate, support of arts and culture, chieftaincy matters and control of traditional titles and offices where these are traditionally the executive prerogative of the Emir or Chief in which case the Council’s function shall be advisory to the Emir or Chief, determination of customary law and practice on all matters including that relating to land, making representations or expressing opinions to government or any other organization on the collective behalf of the Local Governments in the area, deliberating on or making representations or expressing opinions to government or other organisation on, any matters which it deems to be of importance to the Emirate or Chiefdom as a whole, or which may be referred to it by government or other organisation (FGN, 1976). The 1979 constitution further gave constitutional recognition to traditional rulers by establishing a council for them. The functions of the council which was advisory included:

Formulation of general proposals and advice to local government, provision of advice on religious matters, support for arts and culture, chieftaincy matters and control of traditional titles and offices, mobilization of people for self-help projects, assistance in the collection of levies and local revenue, making representations to government on matters referred to council by government. The current 1999 Constitution however did not mention the traditional institution at all thereby reversing most of the gains the institution made over the years.

Factors militating against Traditional Rulers participation in Modern Administration in Nigeria

There a number of factors that have contributed and are still contributing to the gradual loss of relevance of traditional rulers in governance of recent. Fatile (2010) posits that, these factors are self inflicted by the traditional institutions itself while others are systematically engendered. First of the self inflicted factors is the non regard for due process in their appointment. Traditionally, the appointment of traditional rulers follow laid down traditional procedure whereby only members of the royal families had the right to be so crowned (Fajonyomi 1997). In several parts of the country many of the current crops of traditional rulers’ ancestry cannot be traced to any form of royalty. Instances about where history is invented to favour some candidates for royal tools over another.

The proliferation of chieftaincy titles has not also helped matters. Whereas in the past it was not normal for two traditional rulers to operate in the same domain, this is not the case now where people leave their state of origin to crown themselves as traditional rulers in ‘foreign land’. The proliferation of Eze Ndigbochieftaincy title all over Nigeria is a case in reference (Fajonyomi, 2010). It got to head in some states like Oyo and Lagos that holders of such traditional titles were banned from using it (Oluwatoyin, 2010)

Further to the above is in-fighting and competition among traditional title holders over seniority. Notable of such in-fighting is the one between the Ooni of Ife and Alaafin of Oyo over the more senior of the two in Yorubaland (TheNation, 2011) and the on-going one between Alaafin of Oyo and Olubadan of Ibadan over the rotation of the Chairmanship of Oyo State Traditional Council. In an attempt to secure assistance in their search for superiority over one another, traditional rulers
tactically engage in partisan politics by backing candidates who they believe can support their cause. This is against their expected role of non partisanship in the discharge of their royal functions.

Systemically, the political process is not in favour of traditional rulers. Traditional rulers, by their relationship to land tenure and sale, had access to enormous wealth. This however changed with the promulgation of the Land Use Decree of 1978 which reversed ownership of land to State government. The 1984 law which gave five percent (5%) of revenue allocated to local-governments to traditional rulers that are in the local government, in addition to monthly salaries paid to them by state government may be considered as a form of compensation (Erero, 2005). This however it’s not comparable to the life style some of them were used to. In fact most local governments do not remit this 5% to traditional rulers at all or only pay after pressures from superior tiers of government (Fatiles, 2010).

Prospects
Despite the waning influence of traditional rulers in modern governance, the political system still finds them relevant in the discharge of certain administrative functions. It is the general belief that traditional rulers are the custodian of culture and traditions. Consequently, they serve as a bridge between the government and the people. This explains why they are courted in terms of major changes in our political life as witnessed during the Abacha regime when he was planning to succeed himself or during Obasanjo regime while he was trying to lobby the traditional rulers to back his third term agenda.

The previous administration also courts the support of traditional rulers as demonstrated when President Jonathan and his wife, Patience, bagged the Ohun Orun of the Source and Yeyeohun Orun of the Source, respectively from the Ooni of Ile-Ife, Oba Okunade Sijuwade as part of events marking his 30 years on the throne. In fact on that occasion, the president in his speech regretted that there had not been any meaningful role assigned to traditional institutions to shape democratic governance in the country and advocated that traditional rulers, as fathers of all, should be given well spelt out roles in the Constitution. (Fatiles, 2010).

The above is an indication that traditional rulers can play better roles in the political process. The roles can be separated into three categories (UNECA, 2007): First of all, they have advisory role to government in administration at both national and sub national levels. This was demonstrated in the support the Lagos State Traditional rulers gave to Lagos State Government when 37 Local Council Development Areas (LCDAs) were created and the Federal Government went all out to use the Federal might to kill them. The traditional rulers issued a “19-point communiqué” in July 2009 backing the creation of the LCDAs and advised President YarAdua to seek redress in court if any law was violence (Fatiles 2010).

Secondly, they play developmental role by complementing the efforts of government in revenue and resource mobilization sensitization of their subjects to government’s prorgammes on health issues like immunization and HIV/AIDS campaigns, voter registration etc. While campaigning that Nigerians should do voter registration, President Jonathan said: “This is the time for traditional
rulers to speak to their subjects on the need to come out for the forthcoming voter registration, so that during elections, the people can choose their leaders.”

Thirdly is their role in conflict management. This has been proven across traditional rulers. Despite the Land Use Act which vests the sue of land in the hands of state governors, the role of traditional rulers is prominent. They also broke peace between the people and the state in cases where misunderstanding exists as a result of communication gap.

Concluding Remarks:
There is no doubt that traditional rulers are very important in any traditional setting. They play a very significant role in informally managing conflict and arranging peacemaking meetings when matters get out of hand. However, their power in the community is highly variable and in some areas they are opposed by youth groups, while elsewhere their power is subverted by local government officials. Nonetheless, traditional rulers are more accountable and responsible than any other group, but they get little support from official channels notably the state government (Fatile, 2010:386).

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.

References


