Role of Traditional Leaders in Conflict Resolution and Management in Nigeria

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ROLE OF TRADITIONAL LEADERS IN CONFLICT RESOLUTION AND MANAGEMENT IN NIGERIA

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Abstract

Conflict is a natural phenomenon which could occur in any inter or intra personal relationship. Conflict is an ever present process in human relations. Conflicts are rarely resolved easily and as such, most conflicts are managed as individuals work out differences. Conflicts could occur for various reasons based on interests, needs, values and others. Efficient and effective management of conflicts is fundamental to the development of any society, but the prevailing situations in Nigeria constitute a reversal of this reality. The thread of insecurity and threats to lives and properties in Nigeria has reached alarming proportions despite the increasing visibility of the Nigerian police and military in the management of internal conflicts. Conflicts within states have proven to be highly destructive, resulting not only in the death of thousands of people but also in the destruction of property and the disruption of economic, political and socio-cultural activities of affected communities. This paper will consider the role of traditional leaders in conflict resolution and management in Nigeria.

Key words: Traditional Rulers, Conflict Resolution, Conflict Management, Nigeria
Introduction

African societies, throughout the centuries, have been organized on the basis of a social contract whereby people come together to form a state or nation because they believe that, through their combined efforts, they will be more able to realize their common aspirations for peace and security, which are essential for their physical and spiritual welfare and progress, both as individuals and as a community.¹ It is to achieve these objectives that the people agree collectively to surrender to a king or ruler the power to control their lives and to organize and regulate activities within their society. In the process, they have always had clear understandings and agreements regarding the ideas and principles that underlie their political systems and on the basis of which power and authority are to be exercised by the various elements of government.²

Although autocracy was not unknown, the rule of law was a cardinal feature of their system of governance. The king was ultimately accountable and liable to deposition upon the violation of norms considered subversive of the entire political system.³ There is no doubt that traditional rulers in Nigeria have gradually witnessed the erosion of their powers, from depending upon British colonial administration to dependence upon elected politicians. As their roles narrowed, that of the political parties increased.⁴

As the state of insecurity in Nigeria intensifies, it is obvious that the agencies concerned with the management of security and conflicts in Nigeria (that is the police, the judiciary and the prisons) are not doing enough to stem the tide of insecurity and conflicts, particularly in terms of effective and efficient management.⁵ This has led to the upsurge and recurrence of political, ethnic and religious conflicts and the bringing about of a general atmosphere of insecurity.⁶

² Ibid.
Given the continued rise in the wave of religious and ethnic conflicts and the worsening of the security situation in Nigeria, it has become imperative for the nation to explore all avenues that will enhance conflict resolution thereby improving the security situation. Traditional rulers could easily provide that veritable tool for the enhancement of peace, security, stability and subsequent development of this potentially great Nation.7

**Conflict and Conflict Management**

Most definitions of conflict embody an element of struggle, strife or collision and in this way distinguish conflict from competition. Conflict has been described as a state of tension which exists when one party perceives its goals, needs desires or expectations are being blocked by another party.8

Lewis described conflict as the struggle over values, claims to status, power and scarce resources in which the aims of the opposing parties are not only to gain the desired values but also to neutralize, injure or eliminate rivals.9 Conflict may occur within groups, communities and nations and these conflicts may be triggered by ethnic, racial or religious differences as well as differences in attitudes, beliefs and values.10

Conflict could either be good or bad depending on the outcome of the resolution or its management. If the outcome of a conflict is positive, then it is good but if the outcome is negative, it is bad conflict.11 It is noteworthy that the outcome of a conflict need not be a win-lose outcome. The resolution and management of a conflict could produce a win-win outcome.12

Conflict management is based on the principle that all conflicts cannot necessarily be resolved, but learning how to manage conflict can decrease the odds of unproductive escalation.13 Conflict management refers to the measures that limit, mitigate and/or contain a

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7 Lugga, *op cit.*
10 Abolurin, note 8.
conflict without solving it. The process involves acquiring skills related to conflict resolution, self awareness about conflict modes, conflict communication skills and establishing a structure for management of conflict in the community.\textsuperscript{14}

One of the first steps in conflict management is to recognize that a conflict situation exists. One should not ignore it and count on it disappearing by itself. The biggest problem in developing the institutions of conflict control is that of catching conflicts young.\textsuperscript{15} Conflict situations are frequently allowed to develop to almost unmanageable proportions before anything is done about them, by which time it is often too late to resolve them by peaceable and procedural means.\textsuperscript{16} Avoidance in a particular situation might conceivably be the best answer, but this step should be made only after conflict is explicitly recognized and alternative ways to manage it are examined.\textsuperscript{17}

**Traditional Conflict Management Techniques**

In African traditional societies, the mode of settling disputes and resolving conflicts vary depending on the nature and character of the claim and whether the society concerned has a central authority or not.\textsuperscript{18} A very important factor of dispute resolution in the traditional African society however is truth. Both the disputants as well as intervening parties must be truthful to the extent that ancestral factors are invoked.\textsuperscript{19} The major modes of disputes settlement procedures recognised in Africa’s traditional judicial system includes self-help, negotiation, customary arbitration and tribunal.\textsuperscript{20}

**Self-Help**

Self-help is a situation whereby a person enforces his rights against another person without the aid of the society. This method is usually used as a means of initiating enforcement

\textsuperscript{14} Ibid.
\textsuperscript{15} Wilfred Dolfsma & Stefan Kesting (eds), Kenneth E. Boulding’s Engagemnet in the Sciences (Routledge, 2013).
\textsuperscript{17} Ibid.
\textsuperscript{19} Ibid., 142.
of right process. Self help is a rule of force rather than a rule of law. This is usually applied in a creditor/debtor situation whereby the creditor lays siege on the debtor’s residence insisting that he paid before the debtor would be allowed to do anything. Usually, the debtor finds a way of settling the debt or calls people to intervene. Although the method is effective, it is fraught with the danger of open conflict.

**Negotiation**

In the African traditional society, negotiation involves the relatives of the disputing parties. Negotiation might take place directly between the contending parties but sometimes it was conducted by representatives of both parties. Thus there is hardly any wrong that cannot be settled by negotiation if the right atmosphere is created by the parties. In most cases, dispute settlements within families are settled by the family head, with reference to the community head or king and his chiefs in council.

**Customary Arbitration**

Customary arbitration is a common method of settling disputes in all indigenous Nigerian societies. Customary arbitration is a kind of arbitration in dispute founded on the voluntary submission of the parties to the decisions of the arbitrators who are either chiefs or elders of the community. Karibi Whyte, JSC described customary arbitration as ‘an arbitration in dispute founded on the voluntary submission of the parties to the decision of the arbitrators who are either chiefs or elders of their community, and the agreement to be bound by such decision or freedom to resile where unfavorable.’

Nigerian law, by virtue of section 315(2)(4) of the 1999 Constitution recognises customary arbitration which is distinct and different from arbitration under the statute. It was also held in *Okpurwu v. Okpokan* that if parties to a dispute voluntarily submit their dispute to

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27 (1988)4 NWLR (pt. 90) 554 at 558, Per Oguntade JCA.
third parties as arbitrators and agree to be bound by the decision of the arbitration, then the court must clothe such decision with the garb of estoppel per rem judicatum.

The conditions precedent to bindingness of a customary arbitration as laid down in *Ohiaeri v. Akabeze* are as follows:

a. There must have been a voluntary submission of the dispute by the parties to the non-judicial body;

b. The parties must have agreed to be bound by the decision of the non-judicial body as final;

c. The decision must have been in accordance with the custom of the people or of their trade or business; and

d. The arbitrators must have reached a decision and published their award.

Even today, this settlement procedure co-exist alongside the regular courts and the main feature of the procedure is that blames are apportioned to both parties in the disputes and this often gives the parties a sense of partial victory.

**Tribunals**

Adjudication is found in all African traditional societies. The proceedings are usually commenced by lodging a complaint to the sectional chief who tries to adjudicate over the dispute. If the dispute is too complex for him to handle or if a party is dissatisfied, the matter is taken before the king and the king’s decision is final. The king’s direction is usually enforced by the king’s agents sometimes backed by the use of force where the offender ignores the directive of the king. In cases of crime, every member of the society is seen as a policeman and it is the duty of every member of the society to report any breach of law.

**Modern Conflict Management Techniques**

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28 (1992)3 NWLR (pt. 221) 1.
30 Abolurin, note 8.
Efficient and effective management of conflicts is fundamental to the development of any society and as such there are various modes by which conflicts are being managed in the modern day society. The first and most important step to conflict resolution and management in modern times is to recognize and acknowledge that conflict exists.\(^31\) Thereafter, the usual thing is to conduct an analysis of the existing situation. There is the need to know exactly what the conflict is about. Does it involve values, goals, means to goals, territory, or a combination of these? Also it is important to analyze behavior of involved parties, that is, members of the groups and determine if the conflict approach is being used by the concerned party.\(^32\)

After a better understanding of the conflict and the parties involved, the next step in managing the conflict is to facilitate communication. In doing this, all members should be involved and an objective level should be maintained. The issues should be the focus of the communication and not the people and necessary information should be supplied where it will enhance communication.\(^33\)

Another way of positive modern conflict management is negotiation. Negotiation has been defined as a transaction in which both parties have a veto on the final outcome. In other words, each party in a negotiation has to consent to the outcome if it is to be implemented and each has an interest in the other agreeing to it. Thus by negotiating we make a joint decision.\(^34\) Negotiation is something we do every day in our personal, professional or business capacities. For example, people negotiate with their spouses on whether they spend their money on new household furniture, with their children on which household chores they have to do. They negotiate a salary increase with their bosses and may be part of formal high level negotiations on local, regional, national or international policy or business issues.

The Nigerian government’s major official strategies for managing violent conflict includes state creation and the use of the Nigerian mobile police, the Nigerian military, curfew, propaganda, judicial panel, compensations and punishment. These official strategies have

\(^{31}\) Omisore, note 11.


\(^{33}\) Ibid.

however not yielded adequate results since the 1960s. The Nigerian mobile police and the Nigerian military have been used to suspend many cases of conflicts in Nigeria. They have succeeded in restoring order in most cases of violent conflicts, but their intervention usually gets to the violence scene after colossal wastage of human lives and valuable properties. In view of their late responses, the coercive power of the state has been unable to stop preventable violence in Nigeria.

Official strategies used in the south-south include concentrated military operations, establishment of commissions, establishment of a new ministry, and an amnesty offer. The Nigerian government established the Niger Delta Development Commission (NDDC) in 2000 to replace the military-driven Oil Mineral Producing Areas Development Commission (OMPADEC). The NDDC was restructured with a comprehensive master plan in 2007 and a new ministry (the Ministry for Niger Delta Affairs) was established in September 2008 for infrastructure development and community empowerment in the region. Violence remains unabated in the Niger Delta despite the above mentioned strategies thus the need to go back to the root causes of violence in the context of democratic rule with a disconnection between policies and practices.

The establishment of judicial commission or panel remains another major management strategy used by government in Nigeria to intervene in crises. The method involves the selection of people from varied backgrounds to investigate the problems and submit report to the government based on the terms of reference given to the panel to work with. Such commission often operates by calling for memoranda, organizing public hearing and paying visits to the areas of crises. The objective of such visits is to get first-hand assessment of the extent of the crises. The judicial method of conflict management in Nigeria has failed to resolve the problem; such method has created more bitterness than bringing relief.

**Traditional Roles of Traditional Rulers**

36 ibid.
37 ibid.
Before the advent of colonial rule, the traditional leader's role encompassed numerous functions, which revolved around the cardinal theme of guiding, protecting, defending and providing for the needs of the society he served. He was the intermediate between the departed ancestors, the living and the yet unborn. These holistic approaches involved religious, military, legislative, executive, judicial, social and cultural features.\(^{39}\)

Leadership was however predicated on a set of well-articulated norms and mechanisms. The multifarious functions were exercised with specific functionaries whose role was hallowed by ancient custom.\(^{40}\) Sometimes these were elders or family heads or communal groups or judicial institutions or state or drummers. Each entity performed its assigned role in accordance with customary law.\(^{41}\) The military role of the traditional leader was accentuated by the frequent incidence of inter-ethnic wars or the normal process of acquiring territory for statehood. But in this function, the welfare of the people was paramount. Any chief who ignored this forfeited the trust of his people and was liable to deposition.\(^{42}\)

During colonial era, the colonial system ostensibly enhanced chieftaincy through the system of indirect rule. But the perception that chiefs and kings ultimately derived their power from the colonial power eventually undermined their power. In some African countries the colonial authorities appointed chiefs directly thereby underscoring the uncomfortable fact that they were colonial creations, which were ultimately abolished with the demise of colonial rule.\(^{43}\)

In the post colonial era, traditional systems have been divested of their formal executive, economic and judicial powers except in narrowly defined areas. Even more critically, they have been denied the requisite resources for effective functioning.

**The Role of Traditional Rulers Today**

Admittedly, the chief of today cannot act in the way his predecessors behaved. He is neither the military leader nor the legislator that he once was. Except in very limited areas, he

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\(^{40}\) Otumfu Osei Tutu II, note 1.

\(^{41}\) *Ibid.*

\(^{42}\) *Ibid.*

\(^{43}\) *Ibid.*
has no judicial functions or executive powers of any significance. But this does not mean that the chief has no meaningful role in the modern era. It has been observed that in parts of Nigeria, because traditional rulers’ long establishment and the respect in which they are held makes them more effective in conflict resolution than official mechanisms. They are also able to take preemptive action through their familiarity with the different sections of the community, where the government has been observed to be reactive. Some traditional rulers work extremely hard with little official recognition of their efforts.\textsuperscript{44}

Apart from these constitutional functions, traditional rulers have the moral obligation to contribute to the lives of their individual citizens in particular, and to the nationals of their country. These days, a traditional ruler is expected to lead his people in organizing self-help activities and projects, and take the initiative in establishing institutions and programmes to improve the welfare of his people in areas such as health, educational, trade and economic or social development. The traditional rulers also manage conflicts at their various communities.\textsuperscript{45} They do this by mediating over communal disputes although their efforts are often frustrated when a dissatisfied party seek redress in court after the process of customary arbitration.

Traditional rulers have been most active in dispute resolution both in Africa generally and in Nigeria particularly, where parties, disenchanted with the dilatory procedures of the formal courts, have clamoured for traditional techniques of resolution. Indeed dispute resolution would be impossible without the active involvement of traditional rulers in certain parts of Nigeria.\textsuperscript{46} For instance, there is an urgent need to involve the Northern Nigerian traditional rulers in the process of managing the persistent boko haram conflict. This is mainly because the people see their traditional rulers as agents of God and have special respect for them and in this regard, the traditional rulers will achieve what the government have been unable to achieve in managing this sect and restore peace in the nation.

This is even more evident by the fact that these traditional rulers are more familiar with the community people they govern. It is easier for a traditional ruler to issue a mandate over his


\textsuperscript{45} Ibid.

\textsuperscript{46} Relevance of African Traditional Institutions \textless http://repository.uneca.org/bitstream/handle/10855/3086/bib.%2025702_I.pdf?sequence=1 \textgreater accessed 12 April 2017.
people to produce a member of the society who is suspected to be a sect member of Boko Haram whereas the government cannot directly achieve this.\footnote{Ibid.}

**Conclusion**

In spite of the widespread of conflicts in Nigeria and their long history, the paper has shown that the Nigerian governments (past and present) have failed to tackle this problem through articulated and well organized policy actions. The country record in conflict management has been poor as the government continues to rely on coercive method and always resort to the use of whitepaper emanating from them which are often not implemented.

A general concern for peace, security, and development remains central in both the traditional and modern strategies for conflict management despite the divergent approaches therein. Limitations of the official conflict management strategies and state failure to recognise and harness useful traditional approaches to social control have made conflicts uncontrollable in Nigeria. It is therefore recommended that the strengths of both the traditional and modern strategies of conflict management are essential and should be integrated to promote peace and development.

Useful aspects of traditional social institutions must be utilised and integrated with the official security apparatus to ensure peace in the conflict-ridden contemporary Nigerian society. A genuine integration of modern and traditional conflict management strategies, excluding their pitfalls, would provide lasting solutions to avoidable conflicts in Nigeria.

**Recommendations**

Traditional methods of social control such as communal solidarity, traditional oaths, rewards, vigilantes, informal settlements, checks and balances, decentralisation, effective communication and good governance remain strong and have been informally used successfully for conflict management in many communities in Nigeria. As such, legal mechanisms should be put in place to regulate traditional institutions.
Nigerians prefer informal modes of conflict resolution. At the community level, people are most likely to turn to chiefs, headmen or elders to mediate disputes, especially in the parts of the country where traditional leaders continue to perform customary functions. Therefore, constant training should be conducted for these leaders in the informal settings on the need to use their positions to effectively manage conflict in a way that would not incite conflicts in the society.

Regardless of recent events, traditional institutions and traditional rulers still have the potential and capacity for effective mobilization of the people, maintaining law and order as well as security functions. Traditional rulers should be given due recognition in the Constitution of the Federal Republic of Nigeria in that their duties, functions and responsibilities should be beyond their symbolic and ceremonial activities, especially in the area of conflict resolution and management. These functions and responsibilities, which includes communal security, religious matters, traditional and cultural issues should be enshrined in the constitution. In this connection, it is suggested that the relevant sections of the 1995 Draft Constitution relating to the traditional rulers/institutions should be incorporated in the constitution.
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