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Memories and Legacies
of the
Nigerian State

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Biodun Akinpelu, Ph.D.

Contents

A — The Colloquium: Who is This Nigeria?

B — Education and National Development

C — Info-Tech, Economy, External Relations

19

Role of Traditional Institutions in Land / Boundary Disputes and Conflict Settlement in Nigeria

Jacob O. Fatile, Ph.D.

Introduction

IT IS NOW WIDELY ACKNOWLEDGED THAT AFRICA PROFILES THE highest statistics of boundary conflict in the world. For years the treatment of this phenomenon, involving national armies, revolved around conventional mechanisms that have excluded the traditional approaches that, according to Ofuho (1999), are now in greater demand in the contemporary world, particularly in Nigeria. Ofuho brings to light the experiences of grassroots peacemaking efforts among communities. It is worth pointing

out that communities in Africa have lived in hostility and coexistence for years and their conflicts have just recently picked up intolerable proportions due to the proliferation of modern weapons. During the years of traditional leadership in the continent, various boundary conflicts caused by different issues attracted various approaches to their resolution. Most boundary conflicts and their resolution methods at that time were predominantly local. These conflicts were between individuals, villages, communities or tribes who lived in the same or adjoining areas. Those who intervened were often local elders and/or tribal leaders. When kingdoms developed about the 5th century in West Africa, stronger and wider authority came into play, but the traditional methods of instigating and resolving conflicts had gone through very few changes since.

Over the years, a number of problems have been encountered in the land and border disputes and management system. Proffered solutions by many governments have focused on establishment of public institutions and promulgation of laws to govern land management, rather than the traditional authorities. The experience of Nigeria, like other nation-states, may be described as one of continuous encounter with border problems. Precolonial boundary issues had one unique nature: it was intercommunal in nature and ensued in the course of disagreement between two or more groups exerting certain notable (minor) differences.

Before the introduction of the court-system into the country, boundary disputes were traditionally resolved by village elders by way of mediation aimed at amicable settlement of such disputes. This system was quick, cheap and did not breed bad blood. The colonials came and tampered with this tradition, but still retained the elders, district heads and traditional rulers of all

grades, as operators of these courts. Performance was undoubtedly appreciated.

The role of traditional rulers in the resolution of communal and boundary conflicts is crucial. They are custodians of local traditions and customs and they have gained their authoritative influence through wisdom and experience. Thus, a review of the status and role of traditional rulers in peacemaking and conflict resolution is long overdue. These rulers have traditionally had an important role in border and communal conflict resolution, but should this be replaced by institutions more in keeping with a modernizing state? Do unelected traditional authorities still have a role to play in the 21st century?

Placing these in a theoretical framework, we recognize the values attached to traditional institutions and the roles the custodians play in land/border management, drawing conceptual models for enhancing effective management of disputes through traditional rulers.

Traditional Rulers and Boundary Conflict: Conceptual Explanations

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 precolonial African societies had no system of administration; that is, no law, no order, no government, and no civilization. This belief has long been seen as not only very erroneous but grossly subjective (Fatile and Adejuwon, 2009). It has since been known that traditional African societies, indeed, had well organized and well established systems of ad-

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 traditional ruler is the paramount authority or natural ruler in any given community. In some cases, he is the spiritual leader and custodian of all traditions of his subjects. He is commonly regarded as the "father" of the entire inhabitants within the community (Oladosu 1985). Adamolekun (1988) sees traditional rulers as individuals or groups of individuals who occupy communal political leaderships sanctioned by immemorality, 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.

In the views of Adewunmi and Egwurube (1985), traditional rulers are individuals occupying communal political leadership positions, sanctioned by cultural, moral and values, and enjoying legitimacy of the particular community to direct their affairs. According to them, the basis on legitimacy is tradition, which includes the whole range of inherited culture and way of life; a people of history, moral and social values and the traditional institutions which survive to serve those values; traditional religious ideas surviving as autonomous religions in their own right.

Conflict is a relationship between two or more parties who believe they have incompatible goals. Conflict can therefore be seen as a clash, confrontation, battle, or struggle. It occurs when there is a sharp disagreement or clash between divergent ideas, interests or people and nations. Conflict is an attendant feature of human interaction and cannot be eliminated; however, its proper

management and transformation is essential for peace and progress in human society (Fatile and Adejuwon, 2011). As noted by Adejuwon and Okewale (2009), conflict results from human interaction, in the context of incompatible ends and where one's ability to satisfy needs or ends depends on the choices, decisions and behaviour of others. It is thus possible to argue that conflict is endemic to human relationships and societies. It is the result of interaction among people, an unavoidable concomitance of choices and decisions and an expression of the basic fact of human interdependence. Conflict is a condition of disharmony or hostility within an interaction process, which is usually the direct result of clash of interests by the parties involved. It is an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resource, and interference from the other in achieving their goals (Wilmost and Hocket, 1998).

Boundary conflicts occur when there is no agreement between adjacent units as to the limit of their territories, or when the people in an area are not grouped in the political unit they would like to join. Conflict resolution is often confused with conflict management. It carries the tone of violence and can wreak havoc and destruction. It provokes wars that result in depopulation and devastation. Conflict normally refers to a condition in which one identifiable tribal, ethnic, linguistic, cultural, socioeconomic or political group of is engaged in conscious opposition to more other identifiable groups, because these groups are pursuing what appear to be compatible goals. It can be described as a struggle among the racial, tribal or language groups over values and claims to scarce resources in which aims of the opponents are to neutralize, injure or eliminate rivals.

Theoretical Underpinnings

Boundaries can be classified in different ways, but the theory of natural and artificial boundaries are the most popular types. Natural boundary lines, according to Imobighe (1993), are drawn to conform with natural features like rivers, lakes, mountain ranges, or to existing ethno-cultural and political groupings. Thus, natural boundaries are boundaries which follow natural physical features like rivers, lake, mountain ranges, or which separate homogenous territories or communities.

On the other hand, artificial boundaries have no regard for existing ethno-cultural or political groupings and loyalties. Not only that, artificial boundaries are usually drawn to follow the lines of latitude and longitude. Asiwaju (1984) observes that international boundaries in African states and the internal boundaries of some African societies have a touch of artificiality and arbitrariness. He noted that these boundaries were drawn by Europeans without taking cognizance of the topography of the continent. Thus, Nigeria's internal boundaries were not based on any deliberate plan meant to conform to natural features or the existing ethno-cultural composition of the various communities divided by boundary line. No wonder, Imobighe (1993) notes that the administrative units created after the Europeans' departure, on which some of today's boundaries were based, did not fare better in terms of conformity with natural features or the existing ethno-cultural or political groupings and loyalties. This has been responsible for several inter- and intrastate conflicts among the component units of the federation.

We utilize classical and revisionist theories to examine the dynamics of inter- and intrastate boundary problems in Nigeria. The classical theory of a boundary emphasizes the protective in-

stinct of human beings in relation to their territorial space. The theory is that human communities are pushed into territorial protectionism to be able to benefit maximally from the resources derived from the relevant portion of the territory. A boundary attitude governed by this theory is likely to encourage sustenance of territorial division or separation (Fatile 2011).

Closely related to the classical theory is the notion of territorial exclusiveness. It is very common in some international boundaries and much more pronounced in states without religious, ideological or ethno-cultural affiliations and where the relations between the affected states are marked by frequent hostilities. In such cases, boundaries are meant to serve as control mechanism to ward off intruders and protect life and property. These affected communities usually see their boundary zones as threatened regions which, if not properly fortified, stand the risk of violation both from within and without (Ogbeide and Fatile, 1998).

Although the notion of territorial exclusiveness is not so pronounced within internal boundaries, this is not to say that it does not exist (Imobighe 1993). In fact, the country's internal boundaries seem to be increasingly dominated by the notion of exclusives. This is so because statism is extolled at the expense of patriotism and national consciousness (Imobighe 1993). There is no doubt that in Nigeria today, boundary questions have become extremely sensitive while inter- and intrastate disputes arising from them are becoming increasingly violent.

The revisionist theory is otherwise known as the "bridge" concept of a boundary. Unlike the classical theory, the revisionist emphasizes the concepts of contact and link, rather than separation, as the main function of a boundary. This theory has won a

large number of adherents among scholars in Europe, Africa, and North America. Ogbeide and Fatile (1998) argue that, for the purpose of boundary management, the revisionist theory must be preferred because it de-emphasizes the notion of territorial exclusiveness. The theory seeks to reconcile the nation-state imperative of territorial exclusiveness with the present-day realities of growing interdependence among nation-states and communal entities (Imobighe 1993). The application of the bridge concept to internal boundary management will enable us see local borderlines not as contrivances meant to keep the affected communities apart, but rather for administrative convenience (Fatile 2011). Thus, boundaries, rather than being seen as barriers or barricades, are supposed to be bridges through management activities that foster meaningful socioeconomic and political integration among the three tiers of government.

| Community A | Community B |
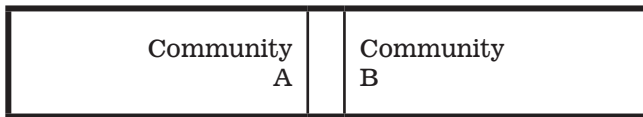
Fig. 1: Boundary function under the traditional concept.

| Community A | Community B |
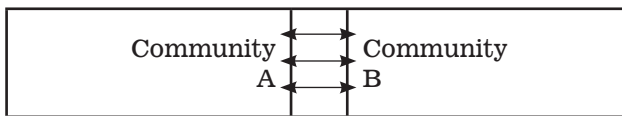
Fig. 2: Boundary function under the bridge concept.

Keys:

| | — The boundary between communities A and B

↔ — Routine interactional channels across the boundary.

Source: Imobighe, T. A. 1993. Theories and Functions of Boundaries, *Lagos: Joe-Tolalu Associates. 22.*

Also relevant for analyses is Thomas–Kilmann's model of conflict management, which provides a robust foundation for the explanation of processes involved in communal conflict resolution and peace building in Nigeria. Thomas–Kilmann's model explains strategic intentions that could be organized around the matrix of two factors—assertiveness and cooperativeness—which jointly produce five conflict-management styles: avoidance, accommodation, competition, compromise and collaboration (Volkema and Bergmann, 1995; Borg 1992; Thomas 1992; Akinwale 2011). According to the Thomas–Kilmann model, assertiveness flows from concerns for self-interest, while cooperativeness is driven by concerns for the other party or the relationship (Thomas 1992; Akinwale 2011). This assertion has opened up a discourse on conflict resolution mechanism in Nigeria, where economic self-interest remains paramount.

Nature of Boundary Conflicts and Traditional Approaches to Conflict Resolution

Conflict resolution is borne out of the belief that conflicts cannot be left alone. It needs to be put under control by interacting with the parties to develop common generalizations or principles and practices that will return cordial relationship against violence. Conflict resolution 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). According to Swanstrom and Weissman (2005), it refers to the resolution of underlying incompatibilities in a conflict and mutual acceptance of each party's existence, while conflict management refers to the measures that limit, mitigate and/or contain a conflict without necessarily resolving it.

Boundaries cut across ethnic grouping, cultures and families. Boundary questions also involve the management of resources of land, minerals, water and forest, as well as the whole pattern of economic and sociocultural relationship between the different communities along these boundaries. Often, border and communal dispute concern land for farming or grazing. A revenue-generating border area may cause border dispute if the two sides lay claim to its ownership. For example, the availability of timber and wild rubber from the thick forests of Ikale/Ondo led to disputes. In the same vein, the old Obokun (now Oriade) local government area of Osun state, went ahead to collect taxes and other levies from Owena villages, believed to be Ondo state (Anifowose, 1993). Not only that, their cocoa farms were raided and farm crops seized.

The conflicting 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 participation in the process and approval of results is voluntary. It is carried out by social groups in the interest of extended families, clans, village communities, tribes, brotherhoods. Here, individuals are perceived as members of a (kin-)group, are accountable to that group, which in turn is accountable for (the deeds of) its members.

Traditional approaches vary considerably from society to society, from region to region, from community to community. There are as many different traditional approaches to conflict transformation as there are different societies and communities with a specific history, a specific culture and specific customs. There is no one single general concept of "traditional conflict transformation." Rather, traditional approaches are always con-

text-specific. This contextual embeddedness in itself is a decisive feature of traditional approaches. This marks an important difference between traditional and modern approaches, the latter aiming at universal applicability. In principle, traditional approaches are specific, not universally applicable (Boege 2008).

From a traditional point of view, boundary conflict is perceived as an unwelcome disturbance of the relationships within the community (Faure 2000). Hence traditional conflict-transformation aims at the restoration of order and harmony of the community. Cooperation between conflict parties in the future has to be guaranteed. Traditional conflict management is thus geared toward the future. Consequently, the issue at stake is not punishment of perpetrators for deeds done in the past, but restitution as a basis for reconciliation. Reconciliation is necessary for restoration of social harmony of the community in general, and of social relationships between conflict parties in particular. The aim, to Faure, is

> . . . not to punish, an action which would be viewed as harming the group a second time. Re-establishing harmony implies reintegrating the deviant members. The ultimate matter is restoring good relations.

This is why traditional approaches in general follow the line of restorative justice instead of (modern, Western-style) punitive justice. Restorative justice has to be understood "as a compensation for loss, not as a retribution for offense" (Zartman 2000). The ultimate aim of traditional conflict transformation is the restoration of relationships.

Traditional approaches cannot be compartmentalized into "political" or "juridical" or "other"; rather, they are holistic, com-

prising also social, economic, cultural and religious-spiritual dimensions. This is in accordance with the entirety of traditional lifestyles and worldviews in which the different spheres of societal life are hardly separated. The conflicting parties can directly engage in negotiations on 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 participation in the process and approval of results is voluntary.

Traditional conflict resolution is consensus-based, sealed, as they are, in highly ritual forms. Ceremonies are of great symbolic and practical importance. They are a means of conflict transformation in their own right. The whole community participates therein. This means that customary conflict resolution is targeted at problems in relatively small communities in the local context. It can work well within a given community with regard to members of that community. Conflicts within and between families, between neighbours, within and between villages or clans, lend themselves rather easily to the traditional approach. However, dealing with outsiders is more complex. Conflicts among members of the "we" group can be addressed and resolved in customary ways, but conflicts between "us" and "them" are more difficult to tackle, as "they" adhere to another law entirely, be it another customary law or formal statutory law. Conflicts between neighbouring local communities pose relatively smaller problems as some overarching customary principles might be developed and applied that allow for the (temporary) creation of common ground, whereas conflicts between local communities and modern outside actors; for example, state authorities or multinational enterprises, pose much larger problems with regard to applicability of the traditional approach.

Five major strengths of the traditional approach to conflict transformation can be identified. These, according to Boege, are:

First, traditional approaches fit situations of state fragility or collapse. As many of today's large-scale violent boundary conflicts, where the state is absent or a relatively weak actor amidst a host of other actors, nonstate-centric forms of control of violence and regulation of conflict have to be drawn upon. In fact, a renaissance of traditional approaches to boundary conflict transformation can be observed, particularly in conditions of state failure and state collapse. In view of the absence of modern state-based institutions and mechanisms for the control of violence and regulation of conflict, people take recourse to pre-state customary ways. Furthermore, it can also contribute to the termination of violence and sustainable peace-building, from the local to the national level, as peace-building in Somaliland and in Bougainville demonstrate (Boege 2008).

Second, traditional approaches are not state-centric and because of that they are credited with legitimacy by the communities in which they are sought. They can be pursued without recurrence to the task of state- and nation-building. Instead of trying to impose Western models of state and nation on societies to which these models are alien, one can draw upon existing indigenous forms of control of violence and conflict transformation which have proven their efficiency. Traditional approaches make conflict transformation and peace-building possible and at the same time circumvent or postpone state-building.

Third, traditional approaches are process-oriented and take the time factor into due account. One has to keep in mind that the acknowledgment of different concepts of time, depending on cultural contexts, is of major significance for success or failure of

peace-building processes. Menkhaus (2006) stresses that

> . . . traditional conflict management mechanisms tend to be
> process-oriented, not product-oriented; that is, they focus
> on managing rather than resolving conflict. In this sense,
> they are somewhat more realistic than standard interna-
> tional diplomacy, with its emphasis on peace treaties that
> definitely end a conflict.

One has to do with ongoing rounds of talks that revisit and renego-
tiate issues. This approach to conflict management, particularly
the tendency to begin renegotiating freshly-minted accords, fits
poorly with international diplomatic timetables and approaches.

Fourth, traditional approaches provide for inclusion and par-
ticipation. In the same way as all parties (and every member of
each party) are responsible for boundary conflict, everybody also
has to take responsibility for its solution. A solution can only be
achieved by consensus. To pursue an inclusive participatory ap-
proach at all levels of the conflict is extremely complex and time-
consuming, but has greater chances of success than approaches
that are confined to the "leaders" of conflict parties.

Last, traditional approaches focus on the psychosocial and
spiritual dimension of violent boundary conflicts and their trans-
formation. This dimension tends to be underestimated by actors
who are brought up and think in the context of Western enlight-
enment. Boundary conflict resolution and peace-building is not
only about negotiations, political solutions and material recon-
struction, but also about reconciliation, mental and spiritual heal-
ing. Traditional approaches have a lot to offer in this regard. They
do not only deal with material issues, reason and talk, but also
with the spiritual world, feelings and nonverbal communication.
As has been pointed out earlier, reconciliation as the basis for res-

toration of communal harmony and relationships is at the heart of customary conflict resolution. Traditional approaches are inclusive, not exclusive. They take into account that conflict transformation and peace-building is not only an issue of reason, rationality and talk, but also of effects, emotions, imagination and of the spirit.

Traditional Institutions and Boundary Dispute Resolution in Nigeria

Traditional rulers, most especially in precolonial Nigeria, were able to intervene to settle and mediate communal conflicts as well violent border hostilities, which helped to maintain a semblance of order and stability in an otherwise hostile environment created by social relations. For instance, among the farming communities in the North, there is a hierarchy of village elders, ward heads, village and district heads who can be called upon to resolve disputes. If the damage is serious, then a more senior leader is called upon to resolve it. The status of traditional rulers changed with the advent of colonial rule, as the colonialists imposed their hegemony on the rulers, usurped their sovereign authority. The development was meant to perfect their exploitation and domination of the colony for their own gain. In kingdoms like Oyo, Bini, and Fulani emirates, the traditional rulers were the repository of authority and rules. By and large, their domineering roles became weakened with the influence of colonial rule, especially toward the second half of the 19th century. This downward trend of reduction of powers of rulers have remained till today.

Today, cases of border and communal conflicts have risen over the years; many rural areas have become theatres of inter- and intrastate disputes, some of which have erupted into violence.

People have been killed and properties have been destroyed. Recent disturbances over land dispute between the Idoma of Benue and the Igbo of Anambra, in which villages were sacked, is traced to border clashes. Between January 16 and 18, 2006, ten persons were feared killed and about 150 houses razed following a clash between residents of Ebom and Ibjenka in Abi local government of the Cross River. The two communities were at war over the ownership of the land where a health clinic is said to have been located. A similar incident was reported in Bakatari area, among the border communities in Odeda local government area of Ogun state and Ido local government area of Oyo state during the population and housing census in 2006. Another clash was reported between Osun and Ondo in March/April involving Alarere–Bolorunduro village in Atakumosa east local government and Ramonu–Aiyetoro village in Oke-Igbo, along Osun/Ondo boundary area, where more than eleven people lost their lives and properties worth millions of naira destroyed (Fatile 2006). Also, at least four persons were feared dead following a communal/land conflict that rocked Obufi and Ube communities in Okobo local government area of Akwa Ibom. The crisis, which erupted in the area on August 19, 2011, led to the destruction of properties worth millions of naira in the two communities, in addition to the lives lost, began as a result of lingering land dispute between the two communities. Among the property allegedly destroyed during the clash were the palace of the paramount ruler of Okobo and several cars parked within the compound. The matter has been reported to the House Committee on Boundary and Conflict Resolution, chaired by Deputy Speaker, Udo Kierian Akpan (Udonquak 2011).

Ile-Ife and Modakeke are two neighbouring communities in

the present Osun state. These two communities are so close together that it is said to be difficult or even impossible to delimit a clear-cut boundary between them. Despite this closeness, both communities have a long and surprising history of mutual antipathy and spasmodic crises and violence. Boundary issue in Nigeria today is treated as a matter of life and death; many have died and many are still ready to lay down their lives for what they consider their legacies.

There is need to draw attention to the seemingly contentious conception of the role of traditional rulers in the mediation of boundary and communal conflicts in Nigeria. If we are correct in making assumptions that the ultimate goal of political authority is the preservation of peace, which would be disrupted by violent conflicts occasioned by border and communal conflicts, the question then becomes, what roles does the traditional ruler play in the restoration of peace once violent conflict breaks out between families and neighbouring communities, most especially along the border lines?

The role of traditional rulers in the resolution of communal and boundary conflicts in Nigeria is crucial. They play the most significant role in managing conflict informally and arranging peacemaking meetings when matters get out of hand. They are more accountable and responsible than any other group and are the only authorities on hand enough to take preventive action. However, their power in the community is highly variable. Unlike a Western mediator who will begin the exploration by retracing the steps of the parties to the point of initial conflict, an experienced traditional ruler will consider the social realities, and start from the vintage point further back and try to form a frame of social reference. The rulers may ask questions as: "Who are

you, and where are you from?" "Explain your family link, where did you grow up?" "What do you like doing?" among such other preliminary queries. They may provide clues, not only about immediate cause, but will reveal long-standing grievances and thus offer a wider and deeper insight into the differences and similarities between the parties.

The traditional rulers are the custodians of local traditions and customs and they have gained their authoritative influence through wisdom and experience. Traditional rulers have traditionally had an important role in border and communal conflict resolution. A good example is the persistent land/boundary conflict between Awa-Ijebu and Alaporu in Ogun. According to Limeri of Awa, Oba Amos Abib Awobajo, the issue has been reported to Ijebu traditional council, headed by the Awujale, Oba Sikiru Adetona, which constituted a committee to look into the matter. He stated that the committee had visited the two communities, to look at the boundary (*Nigerian Tribune*, 2011).

The role of traditional rulers in resolution of communal and border disputes is often assumed rather than demonstrated. In our view, their role in mediation and resolution of communal and border conflict is suspect and ambiguous. At best, these rulers are effectual in mediating conflict that falls short of violence. In situations of violence, however, the traditional ruler becomes irrelevant. This irrelevance is a consequence of the unique dilemma traditional rulers find themselves. He is subject to the overarching control of the state, to which he is responsible. At the same time, as head of his kingdom, he has a responsibility to his people. What is being argued here is that the loyalty of the traditional ruler is put to trial when violent conflict breaks out between neighbouring communities over land and other resources

lying across boundary areas. In situations of violent conflict, the traditional ruler becomes an object of suspicion by parties to the conflict.

Conflicts and disputes over land often arise among the people from different families and individual members of the same family. It may also occur between adjacent villages from different traditional areas. The areas of land dispute include:

- ♦ conflicting claims over physical bounds of land in the absence of documentary evidence;

- ♦ fraudulent transactions by unauthorized members of landowning groups;

- ♦ wrong alienation of land to strangers;

- ♦ double-allocation of lands.

A variety of approaches aimed at terminating conflicts through the constructive resolution, distinct from management or transformation of conflict. The conflicts in question may involve interpersonal relationships, labour–management issues, business disagreements, intergroup disputes, warring nation-states, or internal quarrels. This discourse relates more to an intergroup dispute resolution of issues. In any of these situations, dispute is resolved through the political structure discussed above. Within each traditional area are well-defined traditional institutions that resolve land disputes based on customary laws. Disputes in most of these cases are solved at the appropriate levels.

Conclusion

There is no doubt that traditional rulers are very important in any traditional setting. They play a very significant role in informal-

ly 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 governments.

Efficient and effective management of conflicts is fundamental to the development of any society. It is important to note that in Nigeria the present court system of dispute resolution has substantially remained the relic of British colonial, as in some other Commonwealth countries. Bad blood is injected, to the extent that bad relationship become inevitable. No one would easily forgive another for dragging the other to the court. Many believe that some of our inherited procedural ways of settling disputes must be revisited if we desire quick and affordable administration of justice. Traditional rulers of today can effectively be engaged to assist in sanitizing delay in the administration of justice by amending the Constitution to give them powers to resolve minor disputes.

Having reviewed the present border dispute management system in Nigeria, it can be seen that very little has been done to involve local people and enhance their capacity in management of customary lands. 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. Fourie (2002) argues that we need not just to build capacity in a "business-as-usual" framework, but instead build the relevant capacity which also addresses the problem at hand.

Traditional rulers possess accurate local knowledge going back many years and may also have good networks of communication with the grassroots through titleholders. His political neutrality helps prevent conflict and is important in mediating conflict. Traditional methods of conflict resolution are more cost-effective than modern ones. 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 system is highly advantageous to change-agents, who merely have to persuade these elders and traditional rulers to accept the contemplated programme and the entire community automatically follows in lock-step.

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, although the formal systems can serve as a guide. Land management systems need to be reorganized under the already established traditional councils to facilitate conveyance and land management.

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