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Boundary Disputes and Communal Conflict Resolution: The Role of Traditional Rulers

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Abstract

The paper examines the role of traditional rulers in boundary disputes and communal conflict resolution in Nigeria. It reveals that there is scarcely any community in Nigeria which has not been involved in boundary and communal disputes. The paper argues that a review of the status and role of traditional rulers in peacemaking and communal conflict resolution is long overdue. The study adopted the Black's Social control and Thomas-Kilmann's model of conflict management to provide a robust foundation for the explanation of processes involved in communal conflict resolution and peace building in Nigeria. It observes that traditional rulers undoubtedly play the most significant role in both managing conflict informally and arranging peace-making meetings when matters get out of hand. The paper notes that the status of traditional rulers changed with the advent of colonial rule as the colonialist imposed their hegemony on the traditional rulers, usurped their sovereign authority. Thus, in Nigeria today like other African countries, traditional rulers have gradually witnessed the erosion of their powers. It concludes that several traditional rulers have a sound intellectual and professional background which can be used to resolve grievances among neighboring communities which may degenerate to violent conflicts and that the people at the grassroots believe very much in them as custodian of cultural values. Finally, it recommends the need to assign constitutional roles to them so as to empower them more in performing their traditional roles as sole arbiters in land allocation, boundary and communal disputes in the country.

Keywords: Boundary disputes, communal conflict, traditional rulers

Introduction

Boundary conflicts in the pre-colonial Nigeria had one unique nature. They were basically inter-communal scuttles or conflicts that ensue in the course of disagreement between two or more groups exerting certain notable (minor) differences and also origin and interest. The communal and border conflicts in Nigeria since independence to date have resulted in monumental destruction of lives and properties and exposed different parts of the country to crisis.

In Nigeria, we have too many kinds of conflicts which are also called boundary and communal conflicts/wars. More of these disputes came about over ownership of land (farming, fishing, oil deposit, solid-mineral deposit etc.) and in defence of community pride and properties and even the people (Nwanegbo, 2009:500). They were usually very intense and as destructive as major civil

wars and even deep-rooted. They also have even more consequences as this does not just happen and get normally restored. They go beyond centuries and create deep-seated resentment. Thus, administrators of Nigerian state machine have had causes to grapple with several cases of boundary and communal conflicts among the various communities in different parts of the country involving over 250 ethnic groups a good number of them including major ones, like the Hausa, the Yoruba, the Kanuri, and the Efik (Asiwaju, 2003:167).

The emerging strategies in the management of Nigeria's violent communal and border conflicts have a strong foundation in African traditional cultures. Contrary to general belief in western paradigms, every African community has capacities for promoting mutual understanding and peaceful coexistence (Lauer, 2007; Akinwale, 2011). Uncritical adoption of Western approaches to communal and boundary conflict resolution has adversely affected the stability and development of many African societies including Nigeria. Thus, the role of traditional rulers in the resolution of communal and boundary conflicts in Nigeria is crucial. The traditional rulers are the custodian of local traditions and customs and they have gained their authoritative influence through wisdom and experience. In fact, a review of the status and role of traditional rulers in peacemaking and conflict resolution is long overdue. Traditional 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?

Conceptual and Theoretical Exploration

Boundaries are lines which delimit the area of interest such as local government unit, the constituent units (States) of a federation or a sovereign state. It is a line which separates one object from another (Imobighe, 1993:13). Thus, in territorial terms, a boundary is a line which separates one territory from another. Hence, administratively and, at least within the context in which the concept is being considered in this paper, a boundary is a line of demarcation which delimits the scope of two or more administrative jurisdictions.

Before looking at the concept of communal conflict, attempt will be made to conceptualize conflict. Conflict occurs when there is a sharp disagreement or clash, between divergent ideas, interests or people and nations. 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. Communal/border conflict normally refers to a condition in which one identifiable tribal, ethnic linguistic, cultural, socio-economic, or political group of human beings is engaged in conscious opposition to more other identifiable

groups because these groups are pursuing what are or 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 their rival. To this end, communal/border conflict carriers the tone of violence. It can wreck havoc and destructions. It provokes wars that result in depopulation and devastation. Thus, boundary and communal disputes 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. Conflict resolution 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 (Swanstrom and Weissman, 2005:25). Conflict resolution is borne out of the belief that conflict cannot be left alone. It needs to be put under control by interacting with the parties to develop common generalization 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, 2009:21).

Adamolekun (1988) gave an operational definition of traditional rulers as "individuals or group of individuals who occupy communal political leadership positions 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. Akpan (1994) narrowly defined traditional rulers from rulership perspective. According to him, traditional rulers are those accepted and drawing strength over a history of many generations. Traditional ruler means the traditional head of an ethnic community whose stool conferred the highest traditional authority on the incumbent since the time before the beginning of the British rule. Traditional rulers are individuals occupying communal political leadership position, sanctioned by cultural values, and enjoying the legitimacy of particular community to direct their affair.

According to the Law of Western Region (1959) traditional ruler was seen as "the traditional head of an ethnic group or clan who is the holder of the highest executive authority in an indigenous policy or who has been appointed to the position in accordance with the custom and traditions of the area concerned by instrument or ordered of the state government and whose title is recognized as a traditional ruler by the state Governor. Thus, a traditional ruler is a paramount authority or natural ruler in any given Nigerian community. He is commonly regarded as the "father" of the entire citizen within his community.

The established complexity of violent communal and border disputes in Nigeria

requires a combination of approaches as proposed in this study. The combination is also needed for theoretical and methodological support as regards the role of traditional rulers in communal and boundary disputes resolution. This study is therefore situated within the confines of the traditional or classical theory of boundary which emphasizes the protective instinct of human beings in relation to their territorial space. The theory is that human communities are pushed into territorial protectionism in order to maximally benefit from the resources derived from the relevant portion of territory. The new thinking about boundaries emphasizes the concepts of contact and link rather than separation and division as the ultimate function of boundary. The new thinking is that boundaries should no longer be seen as barriers but as contact points and bridges of interaction between different communities.

Community A		Community B

Fig 1: *Boundary function under the traditional concept*

Community A		Community B
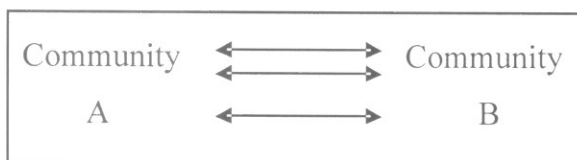
Keys:

II- Represent the boundary betweencommunityAand community B
           - Represent routine interactional channels across the boundary.
⟵⟶ **Source:** Imobighe, T.A.(1993).Theories and Functions of Boundaries.

Boundaries, rather than being seen as barriers or barricades, are supposed to be bridged through management activities that foster meaningful socio-economic and political integration among the various communities, clans, groups and people around the border areas. It is to facilitate equitable utilization of share border resources and facilitate commonality and accommodation rather than hostility and conflicts that have characterized relations among families and communal groups in Nigeria.

In addition the study also adopted the Black's Social Control Theory and Thomas-Kilmann's Model of Conflict Management to provide a robust foundation for the explanation of processes involved in communal conflict resolution and peace building in Nigeria.

Boundary and Communal Conflicts in Nigeria

There is no doubt that the concept of frontiers as boundary was virtually unknown in Nigeria and other parts of Africa during the period of European

partition. This however does not suggest that the pre-colonial Nigeria societies had no desire for precisely demarcated boundaries. Among the Yoruba, certain geographical features, natural and artificial, such as the sea, lagoons, lakes, rivers, boulders, hills, mountains and valleys as well as man-made constructions (such as mound) were evidently used as markers in areas considered to be the border regions between one Yoruba Kingdom and another (Adejuyigbe, 1978).

In the pre-colonial days the villages and towns had blurred boundaries that were defined according to the ability and capability of the people. The emphasis was on common language and ancestors. One cannot but blame the colonial masters for the poor management of boundary problem in Nigeria. The British colonial administration in Nigeria created artificial boundaries as suited their whims and caprices. In many instance, boundaries were arbitrarily fixed to the annoyance of the members of the communities (Anifowose 1993:22, Fatile, 2011:3). This is because Nigeria's internal boundaries were not based on any deliberate plan meant to conform with natural features or existing ethno-cultural composition of the various communities delineated by the boundary line.

In fact, the colonial boundary lines did separate an impressive number of ethno linguistic communities in Nigeria (Imobighe, 1993:17). The boundaries cut across ethnic groups, culture, 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 socio-cultural 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 contribute to 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 local government (now Oriade local government) area of Osun State went ahead to collect taxes and other levies from Owena villages believed to be Ondo State. Not only that, their cocoa farms were raided and farm crops were seized.

Thus, cases of border and communal conflicts have risen over the years. Today, many rural areas have become theatres of inter and intra state boundary disputes. Some of the disputes have erupted into violence. People have been killed and properties have been destroyed, recently there have been land dispute between the Idoma of Benue State and the Igbo of Anambra State in which villages were sacked. Between January 16 and 18, 2006, ten persons were feared killed and about 150 houses razed following a clash between resident of Ebom and Ibjerika in Abi local government of the Cross River State. 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 State and Ondo State 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 were destroyed (Fatile, 2011).

There was another violent dispute between Namu village of Qua'an local government area of Plateau State. Thousands of residents were forced to flee the villages, as rampaging mobs killed at will and set houses ablaze. The immediate cause of the conflict has been traced to the attempt by a man from Gomai to excavate sand from a disputed land in Namu village. This led to a fight that claimed five lives including one soldier and a policeman on April 9, 2006. In a related development, on June 20, 2006 at least one person was killed and six others wounded in a boundary dispute between the neighbouring Offa and Erin-Ife in Kwara State over a disputed piece of land along the boundary area (Umunah, 2006:6 ; Fatile,2011).

Onu (2011) also reported that guns have continued to boom with many lives lost while buildings are being burnt on daily basis in the two communities of Ogbunka and Owerre Ezukalla in Orumba South Local Government Area of Anambra State. At the heat of the fracas which erupted on June 23, 2011, two persons were burnt alive and over fifteen buildings belonging to the indigenes were razed down. Equipment donated by the state government to the community secondary school located in Owerre Ezekalla as well as the school laboratory, Principal's lodge, office and administrative blocks were also set ablaze by the warring parties. The bone of contention is a piece of land located in between the two communities. The land is said to be rich in abundant mineral resources such as precious stone among others. The stone quarry has caused disaffection in the two communities which had been co-existing together for so many years. The piece of land has been tagged "Oil bloc" by the two neighbouring communities   Boundary and land issues in Nigeria today are treated as matters of life and death, many people have died and many are still ready to lay down their lives for what they consider their legacies.

Traditional Role in Communal Conflict Resolution in Nigeria
Traditional institutions are the instruments of social organization and they provide the foundation for social change (Hussain 2007; Ochoche 2002; Akinwale 2011). Traditional methods of social control such as communal solidarity, traditional oaths, rewards, vigilantes, informal settlements, checks and balances, decentralization, effective communication and good governance remains strong and have been informally used successfully for communal and border disputes resolution in many communities in Nigeria.

Tradition is commonly regarded to be the basis of any traditional leader's authority. It is this characteristic which differentiates traditional rulers from all other leaders in the society. Traditional rulers before the advent of colonial rule in Nigeria were the political cultural, economic and social administrators and lords of their various domains. Thus, during the years of traditional rulership in Nigeria, various violent communal and border conflicts caused by different issues attracted various approaches to their resolution.

Most conflicts and their resolution methods at that time were predominantly local. Conflicts were between individuals (family), villages, communities or tribes who live in the same or adjoining border areas. Those who intervened were often tribal leaders or traditional rulers. It is instructive to note that when the traditional rulers sit down with their subjects to discuss a conflict, the talking usually covers all kinds of relevant background and goes into the thoughts and intentions of others. The elders from a family, clan or state see their traditional objectives in conflict resolution as moving away from accusations and counter accusations, to soothe hurt feelings and to reach a compromise that may help to improve future relationships. They also dwell on values, aspirations, perceptions and visions. All over Nigeria, people have deeply rooted cultural commitments, and in many of the communal and border conflicts in Nigeria, these cultural heritages play a decisive role (Fatile, 2010).

In Nigeria, like other African societies, family ties and community networking are constantly respected, maintained and strengthened. When there is a dispute between different parties, priority is given to restoring the relationship. During the dispute settlement which would normally involve supporters of disputing parties and the traditional rulers relationship is given prime attention. The relationships are viewed according to the past, and the tense or current conflict, and then the aim would be to improve future relationship. The fear of sorcery or divine punishment is also used to show what the breach of peace would bring upon the society and the conflicting parties.

Traditional rulers undoubtedly play the most significant role in both managing conflict informally and arranging peace-making meetings when matters get out of hand. They are more accountable and responsible than any other group and are the only authorities to take preventive action. However, their power in the community is highly variable.

The conflict parties can directly engage in negotiations on conflict termination and in the search for a solution, or a third party can be invited to mediate; in any case the process is public, and the participation in the process and the approval of results is voluntary. It is carried out by social groups in the interest of all (extended families, clans, village communities, tribes, brotherhoods, etc.);

individuals are perceived as members of a (kin-)group, they are accountable to that group, and the group is accountable for (the deeds of) each of its members.

The process is led by traditional kings and chiefs. These authorities are the mediators, facilitators, negotiators, peace makers. They are highly esteemed for their knowledge of custom, myths and the history of the communities and the relationships of the parties in conflict. Their rich experience in conflict regulation, their skills in setting (and interpreting) signs of reconciliation and their skills as orators as well as their social capital as leaders of the community/ies empower them to negotiate a resolution to the conflict that is acceptable to all sides. Sanctions are confined to the social realm (shaming, stigmatizing) and the supernatural (cursing, sorcery) if one does not want to take recourse to violence. Parties have the power to reject any settlement that they are not happy with. Hence conflict solution is based on voluntary consensus and agreement. Everybody has to agree to a solution, including god(s) and the spirits of the ancestors. In other words: Traditional conflict transformation is consensus-based.

When solutions have been achieved, they are sealed in highly ritual forms. Ceremonies are of great symbolic and practical importance. They are means of conflict resolution in their own right. The whole community participates in them. They are loaded with spiritual meaning. Wealth exchange, prayers and sacrificing to god/the gods/the spirits of the ancestors are part of those ceremonies as well as customary rituals such as breaking spears and arrows, drinking and eating together, singing and dancing together or consuming certain drugs (Fatile, 2010).

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 traditional 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? etc. they may provide clues, not only about immediate cause, but will reveal long standing grievance; thus offer a wider and deeper insight into the differences and similarities between the parties.

The immediate objective of such conflict resolution is to mend the broken or damaged relationship and rectify wrongs and restore justice between families or communities that are parties to such conflicts. Another aim is to answer full integration of parties into societies again, and to adopt the mood of cooperation.

Thus, in the pre-colonial days, the traditional rulers enjoyed full powers in their

kingdoms. They commanded respect and obedience from their subjects, who regarded them as sons of gods, their spiritual as well as their political leaders. The position of traditional rulers during this period placed them in a vantage position to achieve positive results in the resolution of boundary and communal conflicts within their areas of jurisdiction.

What must be keenly noted by conventional mechanisms is the salience of traditional practices such as the use of rituals, symbols and interpretations of myths to bring conflicts to an end. These include the identification of a particular type of cattle and or goat that must be sacrificed to cleanse away the evils of conflict from society (Brock Utne, 2001).

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

The status of traditional rulers changed with the advent of colonial rule as the colonialist imposed their hegemony on the traditional rulers, usurped their sovereign authority. The development was meant to perfect their exploitation and domination of the colonial territory of Nigeria. In kingdoms like the Oyo, Binis, and Fulani Emirates, the traditional rulers were the repository of authority and rules. By and large, the domineering roles of traditional rulers became weakened due to the influence of colonial rule especially towards the second half of the 19th century. These downward trends of reduction of powers of traditional rulers have remained from the colonial era to the post colonial Nigeria state.

On the basis of the above, it is appropriate to state that the role of traditional rulers in communal and border disputes resolution in Nigeria is very complex, largely because in the past, military regimes have co-opted traditional rulers and rendered them complicit in looting public revenues for private gain...consequently, they have lost esteem and authority. Traditional rulers have come under attack and have been killed or even banished from their kingdoms. In other instance, traditional rulers have worked as middlemen between the local government and young vigilante groups, taking brown envelopes from government and passing on somewhat smaller "brown envelopes" to the groups.

As Ifeka (2000:115) points out, 'complicity between some youth and some

elders implies that traditional rulers representatives of the ancestors, guardian of their clan and ethnic group's ritual regalia and scared sites have lost, or are fast losing their status. Although traditional rulers are often made use of in conflict resolution processes, this is entirely ad hoc and informal as well as reactive. For instance, since the establishment of the National Boundary Commission (NBC) in Nigeria in December 1987, traditional rulers are mere observers at the commission meetings.

At this juncture, one can observe that the role of traditional rulers in the resolution of communal and border disputes in Nigeria, is often, assumed rather than demonstrated. In our view, the role which, traditional rulers play in mediation and resolution of communal and border conflict is suspect and ambiguous. At best, traditional rulers are effectual in mediating conflict that falls short of violence. In situations of violent conflict, however, the traditional ruler becomes irrelevant. The irrelevance is a consequence of a unique dilemma which confronts traditional rulers. The traditional ruler is subject to the overarching control of the state to which he is responsible. At the same time the traditional ruler\as head of his kingdom has responsibility to his people. What is being argued here is that the loyalty of the traditional ruler is put to trial when violent conflicts breaks out between neighbouring communities over land and other resources lying across the boundary areas. In situation of violent conflict, therefore the traditional ruler becomes an object of suspicion by the parties to the conflict.

Concluding Remarks

Boundaries are made for human beings and should therefore be made for human convenience and not conflicts. However, boundary issues in our society today are treated as matters of life and death. Family/boundary and communal conflicts in Nigeria are as result of competition over access to land and other natural resources in different parts of the country. Most of these conflicts are unnecessary in that they can be resolved if the groups in conflict wish to find a solution. There are some traditional institutions to settle disputes and resolve conflict, but they are facing unprecedented challenges and quite new types of issue.

There is no doubt that traditional rulers are very important in any traditional setting. They undoubtedly play a very significant role in both managing conflict informally 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 being 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.

In fact, traditional rulers are the effective access to the people. In most Nigeria communities, the structure is that the elders and traditional rulers enjoy very powerful position in the communities. This highly influential position of the traditional rulers can be explored by the 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. This persuasion or going through the traditional rulers is very important for two reasons:

(a) There is always a deep-seated suspicion among rural dwellers of "foreigners" in disseminating information. The rural dwellers are never too sure of any information that is not from the traditional ruler's palace. Rather, any information originating from their traditional rulers is embraced by all as the gospel truth.

(b) Traditional rulers are seen as an extension or a representative of their ancestors on earth. And as such cannot mislead them. Participation of traditional rulers will encourage shared interest and individual identification.

Traditional rulers possess accurate local knowledge going back many years and may also have good networks of communication with the grassroots through title holders. 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. A visit to other traditional rulers is an effective tool for conflict management.

There is no doubt that in Nigeria today like in other African countries, traditional rulers have gradually witnessed the erosion of their powers, from depending upon the British colonial administration to dependence upon elected politicians. During the pre and post-independence era in Nigeria, traditional rulers were assigned constitutional roles. Perhaps it could be as a result of administrative expediency that the British very much involved the traditional rulers in governance. In fact, the legitimate and democratic governments had successfully used traditional rulers in past years in the country. Apart from the fact that several traditional rulers have sound intellectual and professional background which can be used to resolve grievances among neighbouring communities which may degenerate to violent conflicts, the people at the grassroots believe very much in them as custodians of cultural values. Many people believe that land and border disputes are better handled by them than the orthodox institutions. And the fact must be recognized that, even now, certain State governors and other policy formulators in government depend very much on them for their advice not only because they relate intimately and

regularly with people at the grassroots level of the society but because their suggestions have always been found unassailable.

It is regrettable that in Nigeria today the traditional rulers have been relegated to the background in the scheme of things most especially in the resolution of land and border disputes in the country. There is therefore the need to assign constitutional roles to them as it was under the 1960 and 1963 constitutions where the council of chiefs was created for them in the regions and some of them were even regional governors. The current 1999 constitution did not even mention the traditional institution. This development, no doubt, has prevented them from performing their traditional roles as sole arbiters in land allocation, boundary conflicts and jurisprudence within the communities under their suzerainty.

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