

**TRADITIONAL RULERS AND GOVERNANCE IN
NIGERIA: THE COLONIAL AND POST-COLONIAL
PERIODS CONSIDERED**

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Introduction

In the recent times, Nigerian traditional rulers have been championing a sustained call for constitutional role for themselves. Even some of them with any faintest idea about the constitutional powers, rights and privileges of traditional rulers during the colonial period and Nigeria's First Republic have often joined in making the call. For instance, in a communique issued at the end of its Sixth General Assembly held in Sokoto, Sokoto State, between 5th and 6th November, 2013, the National Council of Traditional Rulers of Nigeria (NCTR) reiterated, among other things, that, “considering the historical disposition and status of traditional rulers (as the custodians and sustainers of the cultural and traditional values of the people), the need to enhance the recognition of the traditional institution in the 1999 constitution of the Federal Republic of Nigeria.”¹

However, it does appear that some of the traditional rulers and their cabinet chiefs do hardly understand that as custodians of the people's norms, nature has already bestowed on them the essence of their being, rights and powers. In terms of legal interpretations, it is a well known fact that over time and space, the Nigerian military and civilian administrations have had to make laws that were intended to institutionalize the role of the Nigerian traditional rulers. In 1963, for instance, the former Eastern Region Government made a law entitled

"Recognition of Chiefs Law" (Cap 122) to usher in the Region's House of Chiefs. The Act thus became the first law in independent Nigeria to take care of the functions and powers of the traditional rulers. (Also, in the former Anambra State (now split into Enugu, Ebonyi and the present Anambra) the 1963 law was repealed in 1976, 1977, 1981, 1984, 1989, 1990 and 1994, with the intent of introducing some measures to empower the traditional rulers²

It is against the backdrop of the foregoing that the present study throws a historical searchlight on what may have been the role of the traditional rulers in the Nigerian polity over time. Among the questions that may be asked is: Must the role of the traditional rulers be entrenched in the constitution for them (the rulers) to be relevant and recognised? Although, as shall be seen within the context of the paper, Nigerian traditional rulers over the years (especially between the first military governments in the country and the Second Republic) may not have been assigned a constitutional role, evidence shows that they were able to distinguish themselves not only as custodians of the people's culture but also as a link in the transmission of government policies to the grassroots. The paper covers four epochs: the colonial period, the First Republic, the first military administrations and the Second Republic. Each of the epochs is devoted to an examination of the traditional rulers. The paper derives substantially from primary and secondary sources.

Conceptual Definition

It is not in doubt that a study of this nature may have some concepts that are peculiar to it, and which ultimately need some clarifications for the reader. These concepts include "traditional ruler". In some context, it is taken that a traditional ruler is one who has been recognised by the government of the day to administer a defined area known as a community or town. According to the Royal Change Agents, a traditional ruler is a person selected and appointed as an "Igwe or Obi" of a town or community in accordance with the traditional rulers' law.³ Under the prevailing conditions in Nigeria, while the people of an area are entitled to exercise their right of selecting the traditional ruler, the governor of the state has the prerogative of endorsing his candidature through an appointment.

On their part, the traditional rulers themselves have defined a "traditional ruler" as the person who by virtue of ancestry occupies the throne or stool of an area and who has

been appointed to it in accordance with the customs and traditions of the area and whose throne has been in existence before the British in Nigeria.⁴

In explaining the concept, “traditional ruler,” it may have become imperative to distinguish between a “traditional ruler,” and a “chief”. Under Section 2 of the traditional rulers' law of Enugu State, Nigeria, the word “chief” does not mean a traditional ruler of a town or community. It rather means an honorary chieftaincy title conferred by the community or a traditional ruler of the community on a deserving person. This type of chieftaincy does not call for the governor's recognition.⁵ It is, therefore, taken that for our study the concept “traditional ruler” is used interchangeably with Obong, Emir, Igwe, Obi, Eze, Oba, Alafin, among many other varying nomenclatures employed by different Nigerian culture areas to describe their natural rulers. Generally, the term natural rulers will be used interchangeably with the words traditional rulers.

Background

Until the attainment of political independence in 1960, Nigerian traditional rulers were known to have played certain roles in their various domains. For instance, the Richards constitution of 1946 provided for the sanctity of the traditional institutions. To this end, it went ahead to establish the Houses of Assembly in each of the three regions of the country. It also provided for the establishment of a House of Chiefs in the Northern Region. The regional houses of assembly at the time were designed to be composed of officials of government.

During the colonial period, too, the McPherson constitution of 1951 attempted to assign some statutory role to traditional rulers, especially in the Western and Northern Regions of the country. In these regions, the rulers were empowered to make direct inputs in the process of selecting the members of the Houses of Assembly. In the Western Region, for instance, they were involved at the intermediate electoral college level, while in the Northern Region their electoral relevance was made manifest at the final electoral college level. For a clearer understanding of the relevance of the Nigerian traditional rulers during this dispensation, one may recall that on assumption of office in 1946, the new governor of the country, Mr. John McPherson had constituted a legislative committee comprising unofficial members (including traditional rulers) with the intent of reviewing the Richards constitution.⁶ It was the report of this committee that was to give rise to the McPherson constitution of 1951, which invariably assigned specific roles to the natural rulers.

Also, the McPherson constitution provided for the establishment of the Houses of Chiefs in both the Western and the Northern Regions of the country. In the respective regions, members of the House (traditional rulers) were reputed to have contributed to the speeding up of the passage of the bills in the House of Assembly.⁷ Worthy of mention was the constitutional role of the traditional rulers under the government of McPherson. The role was quite distinct because the rulers were part of the process for the selection of the members of the House of Representatives in Lagos (at the time Nigeria's capital) and the regional Houses of Assembly⁸.

With the march towards Nigeria's independence in 1960, it became obvious that more constitutional arrangements that would affect the status of the traditional institution would be made. Among such constitutional arrangements was the Lyttelton constitution of 1954 (which was later revised in 1957). The constitution in question, unlike its predecessors, made an attempt at curtailing the powers of the traditional rulers (both at the regional and central levels). At the centre, according to the Lyttelton constitution, the legislature consisted of the Senate and the House of Representatives. The Senate was composed of twelve senators appointed by the regional governors; the Governor-General of Nigeria had the constitutional powers to appoint two representatives in the Senate for Lagos, while the Chiefs of Lagos elected one. Also, the Lyttelton constitution provided for the automatic membership of the Oba of Lagos in the Senate. It further provided for a 320 member House of Representatives for the country. However, in the new constitutional arrangement, the House of Chiefs had no constitutional role.⁹

At the regional level, the Lyttelton constitution further provided for the Houses of Assembly and Chiefs. Consequent upon this arrangement, either of the two chambers was expected to introduce a bill, which must as a matter of necessity, be concurred to by the other for it to become an act of parliament. It equally provided a constitutional role for the traditional rulers in the regions. The constitution was emphatic in stating that the council of ministers at both the federal level and the executive council at the regional level should provide a role for the traditional rulers, to help in the transmission of government policies to the grassroots. Michael Crowder, considered an authority in Nigerian history, is of the opinion that in adopting the indirect rule system, the British must have underscored the premium placed on the influence of the traditional chiefs, who turned out to frequently abuse their powers in a way they would rarely have done in a traditional society without attracting the wrath of the gods and the people.¹⁰

But then, the truth that may be stated is that in appointing the traditional rulers or designing a special House of Chiefs as we have seen for the Northern Region, what really did the colonial government have in mind? The traditional rulers, whether as warrant

chiefs, emirs and/or obas, were reputed to be agents for the perpetuation of colonial rule in the country. In a certain report he wrote in the 1950s on the status and influence of chiefs in the Eastern Region of Nigeria, G.I. Jones, a British colonial officer, noted, among other things, that:

The warrant Chiefs were expected to carry out the orders of the (colonial) government in their villages, such orders being sent to them normally through the clerk of the native court. The system functioned reasonably well where each local community had its own warrant chiefs but there were areas particularly Owerri and Calabar Provinces where local conditions did not permit this and where the system gave cause for considerable misgivings.¹¹

The probable *hara-kiri* that arose from such unpopular policies of the colonial government as the foregoing has shown could have been many and varied. For instance, the imposition of unpopular candidates as warrant chiefs as occurred in parts of the Eastern Provinces of Nigeria was part of the possible reasons for the assessment of women of the area for taxation in the Owerri and Calabar Provinces in 1928. Of course, these chiefs could have been doing this on the instructions of the British colonialists.

But were these traditional chiefs or rulers true custodians of their people's tradition? If truly they were, they probably would have known that it was a taboo in African culture to tax the women folk, and to that extent, they would not have embarked on an exercise that would provoke the people's reprisals as shown in the women's protest in parts of Eastern Nigeria in 1929?¹² As Jones, whose report is cited above would further record, the 1929 Eastern Region's women's protest against taxation had its origin in the warrant chief system. He then recommended a possible replacement of the system by what he termed a form of government based more on the indigenous political system of the region and on the wishes of the people themselves¹³.

Apart from Jones' criticism of the indiscriminate appointment or imposition of traditional rulers, to pander to the ego of the colonial administration in the country, some other scholars and commentators have also flayed the system. Michael Crowder has not agreed less when he remarks that the imposition of traditional rulers on their communities was a tacit admission of the failure of the indirect rule system in the Region. According to him, in an

attempt to describe a system that tended to, among other things, spurn the people's tradition, he has argued that indirect rule was to say the least:

a disastrous failure having for the most time no roots. The British faced by a situation in which there were no readily apparent authorities through whom they could govern established courts on which sat "Chiefs" whom they themselves designated and to whom they issued warrants. These chiefs superceded the traditional popular assemblies.¹⁴

On their part, the Nigerian nationalists of the era perceived the constitutional provisions that tended to antagonise the locals through the empowerment of the chiefs in order to mobilise local labour force for road and railway construction as inhuman.¹⁵ In one instance, the nationalist leaders were categorical in citing statements credited to Nigerian traditional rulers. On November 4, 1946, the *Daily Service*, one of Nigeria's tabloids of the period, published a report that quoted the Ooni of Ife as boasting that the Nigerian natural rulers were agents of government. According to the Ooni, "we (chiefs) are the part and parcel of the government and we must support the government as well as serve our people"¹⁶. The nationalists further disparaged the colonial government's attitude and added that the idea of placing the traditional rulers on the same footing as the commoners and bringing them in the Western apparatus of government was an affront on them (traditional rulers') dignity and symbolic roles within the traditional system.¹⁷

But the colonial government in Nigeria in a swift reaction to the nationalists' barrage of criticisms, noted among others that;

[The chiefs] ... have been appointed to these traditional posts in accordance with the tradition and customs of the areas over which they exercise jurisdiction. They are also Native Authorities appointed by government to carry out the duties of Native Authorities under the Native Authorities Ordinance... It is, however, in their capacity as traditional leaders of their people that they will attend Legislative Council in order to represent the views of

*their people in that Council and it is therefore proper that they should sit on the unofficial side of the House... The chiefs however, will be under no obligation to support Government measures or to vote in favour of such measures and will enjoy the same freedom of speech and vote as other unofficial members.*¹⁸

Implicit from the foregoing is that the colonial government of the era accorded the traditional rulers all the support to enable the latter function effectively as purveyors of government policies.

Nigeria's Post-colonial Era and the Traditional Rulers

So far, we have confined our examination to the colonial period. Next we shall examine the events of the first few years that followed the attainment of political independence in 1960. Surprisingly, neither did the independence constitution of 1960 nor the republican constitution of 1963 make any paradigm shift from the status quo of the colonial period. Rather the two constitutions consolidated the powers of the traditional rulers, both at the federal and regional levels. For instance, the independence constitution of 1960 was specific in providing for a House of Chiefs for every of the three regions of the country at the time. In the House, all first-class chiefs were made ex-officio members, while fifty-nine others were nominated by the Houses of Assembly. The independence constitution also provided for the representation of the chiefs in the regional executive council.¹⁹

The 1960 constitution further extended the influence and powers of the traditional rulers in regional politics and by this protected their rights on matters of financial appropriations.²⁰ Besides, the republican constitution of 1963 provided that each of the four regions²¹ should have a House of Chiefs as a second chamber. This was in addition to the regional House of Assembly.²²

Different scholars have had occasions to comment on the strength of the political powers which both the independence and the republican constitutions in Nigeria granted traditional rulers in Nigeria's First Republic. For instance, C.S Whitaker is of the opinion that the chiefs in the North became a little god, particularly with the collective veto power which the constitutions granted them to override any decisions taken by the regional House of Assembly. That some chiefs, he further states, could even occupy the highest decision making positions (by the dictates of the constitutions) as ministers also meant

that they could speak for themselves and make policies that could have far-reaching consequences on the region. Generally, the opinion of Whitaker is summed up as follows:

*Thus entrenched in the constitution [of 1960] these Emirs especially well protected against any proposals that might have worked against them. At the same time their strategic position in regional affairs affirmed the impression community held in the emirates that the "new democratic" institutions at Kaduna were an extension of the authority of Emirs not the irretrenchment.*²³

The possible deduction that could be made from the foregoing is that the powers of the traditional rulers, especially in the Northern Region, became encompassing, particularly where they fared better with the creation of the council of chiefs, considered to be a policy-making body whose decisions were binding on the government. On the other hand, minority councils created in the Eastern and Western Regions tended to make the role of the traditional rulers in these areas to be advisory in nature and function. This probably was a tacit way of reducing their influence on the polity.²⁴

Nigeria's First Republic, which terminated in 1966 following the military revolt, may undoubtedly have witnessed a great deal of hide-and- seek roles of the traditional rulers as may be inferred from our examination so far. The natural rulers, like their political counterparts, became political gladiators of the country from 1960, doing what they had learnt to do best from the colonial period. But in taking a plunge into the murky partisan politics of the country at the time, the traditional rulers seemed to have abandoned their traditional responsibilities as the custodians of the people's traditional norms. Billy Bitiyong seems to understand this better, hence he quips:

The overall implication for the partisanship of these rulers is that they shirked their traditional responsibilities towards their societies. Rather than remaining as the custodians of the values and traditions of these societies they chose to be the promoters of the political programmes of the ruling parties of their respective regions. The institutions that had been in their custody like the native authority, police and courts were

turned against the people in the service of the political program of the regional government.²⁵

Perhaps, to better understand the reason why we have employed the expression 'hide-and-seek roles' or better still, "behind-the-scene roles" of the rulers during the period, it may be recalled that no sooner did the Nigerian military take over the reins of power in 1966 than they (the traditional rulers) became the first set of Nigerians to transfer their loyalty to the new government in power. By this singular action, they had since ended their marriage of convenience with the civil politicians of the First Republic.

The First Military Governments in Nigeria and the Traditional Rulers

By the time the Nigerian military intervened in the political life of the country in 1966, the Nigerian traditional rulers, especially those of them that had hitherto maintained a political synergy with the erstwhile civil political rulers, found a brand new bride in the new military regime. On assumption of power on January 15, 1966, the military had sought to single out the political class as the cause of the alleged corruption, nepotism, bribery and other ills that had ravaged the First Republic. The military officers that carried out the coup d'etat had as their mission the sanitization of the polity.²⁶ On the other hand, and in an attempt to fill the vacuum created by the exit of the political class following the coup, the traditional rulers were brought in to act as advisers to the politically inexperienced military personnel now in government.

The contention in some quarters has been that in their attempt to legitimise the coup and thereby make themselves acceptable to the Nigerian populace at the time, the new military government introduced many programmes using the traditional rulers as channels of communication with the civil populace. For instance, by May 1966 when the government under the leadership of General Johnson Thomas Ummakwe Aguiyi Ironsi promulgated its Unification Decree No 39, the government had depended on the support of the traditional rulers to push its and other programmes through the length and breadth of the country.²⁷ Major Hassan Usman Katsina who, at the time, was the military governor of the Northern Provinces had in a broadcast on June 24, 1966, stated his intention to consult with the traditional rulers in that part of the country since, according to him, they (the traditional rulers) were believed to be "respected by all of us". Elaborating further, he added that:

It is the duty of all leaders of opinion, particularly our chiefs to enlighten the public about their civic responsibilities. They should view the opportunities

which are now open to them if they bring their intelligence to bear on the problems facing us and produce constructive proposals in search of a better life for all of us.²⁸

Governor Katsina did follow up the above assurances through the convocation of a conference of all Northern chiefs in July 1966, during which he further revealed the military perception of the traditional rulers. In other words, he tried to convince the rulers of the high impressions that the new military regime had about them in maintaining law and order in their respective domains. To this end, he assured them that the new government intended to consult widely before taking major decisions, and added that in the absence of the party political activities, the government placed implicit confidence in the traditional rulers for its key decisions.²⁹ At the beginning, the Ironsi government had tried to justify its pronouncements about the traditional rulers. For instance, from time to time Ironsi held periodic meetings with the chiefs from the different parts of the country on issues of the day.³⁰

Following the end of the Ironsi regime through a counter coup d'état on July 29, 1966, a young military officer in the person of Colonel Yakubu Gowon assumed office as Nigeria's military Head of State. Under the new regime, however, the traditional rulers did not seem to have fared any better as in most cases they were not involved in the politics of the day. Whatever crumbs (if there were any) that ever dropped from the master's table in the form of political patronage did so according to the whims and caprices of the military rulers.³¹

It has been argued that the Gowon administration introduced, in a more concrete way, a number of measures that tended to curtail the powers that had hitherto circulated among the rulers. Among these measures was the centralisation of the police force, the judiciary and the prisons services. As a matter of fact, these measures might have shut the traditional rulers out of the jurisdiction of the local authorities within which they had wielded extensive powers and influences before now.³²

Also, with the appointment of military governors to take charge of the new states created in 1967, the fate of the traditional rulers came to hang on the balance. In the East-Central, Rivers, South-Eastern States, for instance, the governments had sought to establish a unified central state administration to deny the local government any autonomy.³³

When the Gowon regime was toppled in a military coup d'etat on July 29, 1975, the Nigerian traditional rulers were among many of the Nigerian voices that celebrated its exit. Amidst celebration, they were particular in requesting the in-coming military regime under Murtala Mohamed to reckon with their plight under the ousted administration and by extension accord them recognition. A traditional ruler who, at the time, was the Chancellor of the University of Lagos, had in castigating the Gowon regime accused it of denying "local authorities of all their power, (which) did not conform with the proper liaison expected between the government and the local authority".³⁴

Perhaps, one way by which the regime to assuage the feelings of the traditional institution was through the proposed local government reforms. In thinking of a reform at that level of administration, the Mohammed regime would have known as much that the traditional rulers would in the final analysis be involved in the process. This was probably why it made consultations with the Nigerian public including the traditional rulers. It also organised a national conference for the traditional rulers in Lagos (at the time Nigeria's capital) during which the rulers gave their backing to the proposed local government reforms.³⁵

As a follow-up to its promises on the guidelines for the proposed local government reforms, references were apparently made regarding the role expected of the traditional title-holders at that level of government, even though the precise composition of each council was to be determined by state government, in consultation with the areas concerned. As Bitiyong will remark, in marrying the traditional authority structure with the administrative and bureaucratic operations of the state, the power of these rulers were at the end of the day curtailed.³⁶

Meanwhile, an interesting aspect of the post-colonial Nigerian traditional institution was the civil war period (1967- 1970). In Igboland, which became the theatre of the war (especially in those communities where the traditional institution had not fully developed) there evolved what could best be described as emergency traditional rulers during the war. The emergency traditional rulers were said to have been imposed by the Nigerian troops on the communities they had "conquered" to help them in the day-to-day administration of those areas. Usually among the factors that recommended a candidate for the position of a "traditional stool" at the time was fluency in the Hausa language. Thus, a choice candidate would be one fluent enough in the language, which he probably would have acquired in Northern Nigeria before the outbreak of the civil war or through a socio-commercial contact with the Hausa traders in other parts of the country.³⁷

Ugbawka, a town located in Southern Nkanu area of the defunct Udi Division in Eastern Nigeria, produced a classic example of an Igbo community with an emergency traditional ruler during the Nigerian civil war. Until 1968 when the Nigerian troops that overran Nkanu land appointed an emergency traditional ruler, commonly referred to as Sariki, the town had had no traditional ruler since 1932 when its first and only warrant chief, Aguoru Mba (from Amauzam village of the town) passed on. In other words, what had obtained, following his death, was a prevalence of local chiefs, councillors, court messengers, clerks and elders, who wielded some degree of authority in their villages.³⁸ It was thus this existing vacuum that the Nigerian troops successfully filled with the appointment of Aaron Edeh of Isigwe village as the Sariki of Ugbawka in the heat of the civil strife in Nigeria. Edeh, who was believed to have lived in Northern Nigeria.

where the Hausa language is widely spoken, was fluent in it, and to that extent, used the opportunity of his fluency in the language to facilitate his appointment as the town's Sariki at the time. He had assistants from the various villages to cohere with him in the administration of the town. Among these was Chief Emmanuel Mbah of Amauzam village (who previously was a councillor for his community). Mbah himself was also fluent in the Hausa language.³⁹

As naturally would be expected, these local chiefs of the period became the foot soldiers for the Nigerian troops in the terrain where they (the troops) knew next to nothing. But, since they (especially the Sariki) did not derive their new position from the people's culture, nor was their position borne out of the expressed will of the people, it was understood (by the people) to be temporary within the prevailing war situation. However, with the end of the war, the Sariki of Ugbawka, enamoured by the trappings of the office, was still oblivious of the fact that he did not derive his power from the community's culture, and to this end he still wanted a perpetuation of his influence even in the peace period. And he was mistaken. As a Nigerian attorney will remark:

*But the title bearer was totally oblivious of this reality; the trappings of office had created its[their] own illusions. Nevertheless, the reality on the (sic) ground was that there was no place for a Sariki in the post-war socio-political organization of the town.*⁴⁰

Over time, therefore, the town was to present a certain candidate for the position of a traditional ruler to the government of Anambra State. This was in 1977 when Mr. Emmanuel Nwankwo Agu, a major in the Biafran Army and an indigene of Amauzam village, assumed the stool of Igwe Na-ezoro Oha II of Ugbawka.

Nigeria's Second Republic and the Traditional Rulers

Having examined what the situation was during the colonial period as well as the situation during the First Republic and the military regimes that succeeded the republic, the most obvious thing that follows is an attempt to ascertain the role of the traditional rulers in the short-lived Second Republic (1979-1983). The republic was inaugurated on October 1, 1979, with the introduction of a presidential system of government which hitherto was unknown in Nigeria's political lexicon. Until the collapse of the country's First Republic in 1966, the political system operational was the British-styled Westminster (parliamentary), which had provided for the positions of a president (who was a ceremonial head of state) and a prime minister (as head of government). The 1963 republican constitution, which replaced the 1960 independence constitution, had provided for the post of a president against the governor-general who was subsumed in the personality of the Queen of England.⁴¹ According to Section 34 of the constitution, there shall be a president of the Republic who shall be elected to office in accordance with Section 35 of this constitution and who shall be the head of state of the federation and commander-in-chief of the Armed Forces of the Federation.⁴²

The 1979 constitution of the Federal Republic of Nigeria was a unique one which made the executive powers of the president to be all-encompassing and influential. The president was Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces.⁴³ The constitution also provided for the establishment of certain bodies both at the central and state levels for the orderly conduct of government business. It was provided that the president shall perform his administrative, ceremonial and legislative duties through his appointed assistants who must be the ministers, special advisers (among others) whose appointments were subject to Senate confirmation. For instance, Section 135 of the constitution was specific in stating that there shall be ministers of the federal government who shall be subject to the confirmation of the Senate, be appointed by the President.⁴⁴

Besides, Section 140 (1) of the 1979 constitution provided for the establishment of bodies for the smooth conduct of government business. These bodies included (but not limited to) the Council of State, National Defence Council, Federal Electoral Commission, National Population Commission and the Police Service Commission. Others were the Federal Civil Service Commission, Federal Judicial Service Commission and National Security Council.⁴⁵

In respect of the matters touching on traditional rulers, the 1979 constitution appeared to be silent on the structure and functions of this group of Nigerians, especially at the central

level. All it succeeded in doing (to possibly appease the rulers) was the provision for the appointment of some of the rulers as members of the National Council of State and the Council of Chiefs in their respective states. In fact, according to Section 174 (2) of the constitution, the governor of a state was vested with the power of political appointment in such areas as to the composition of state civil service commission, state council of chiefs, state electoral commission, among many others.⁴⁶

Specifically, Section 178 of the constitution provided for the establishment of the Council of Chiefs at the state level.

The third Schedule to the constitution, Part II, Section B, provided as follows:

A Council of Chiefs shall comprise a chairman and such number of persons as may be prescribed by law of the House of Assembly of a state. The Council has power to advise the governor on matters relating to customary laws or cultural affairs, inter-communal relations and chieftaincy matters. It shall also advise the governor on the maintenance of public order within the state or any part thereof.⁴⁷

The constitutional provision on the establishment of a state council of chiefs was probably made to assuage the possible fears of the traditional rulers. But then, its constitution, composition and payment of stipends depended, largely, on the large heart or otherwise, of the governor. Even at the state level where the constitution provided for the establishment of the council of chiefs, the role of the council was more or less advisory rather than executive as was the case in the regional houses of assembly of the First Republic. In theory, therefore, whereas it was obvious that traditional rulers would have been insulated from partisan politics, it was to be observed that many of them practically became agents for elections rigging on behalf of the governors and other politicians.⁴⁸

In respect of the National Council of State earlier referred to in the study, it may be necessary to recall that Section 20 of the constitution titled: "Fundamental Objectives and Directive Principles of State Policy" provided that the state shall protect and enhance Nigerian culture.⁴⁹ Besides, Section 140 provided for the establishment of a council of

state (at the central level) whose membership shall be composed of, among others, one person from each state council of chiefs. The functions of the council, according to the constitution, included:

i. To advise the president in the exercise of his powers in respect of the national population census and compilation, publication and keeping of record and information concerning the same; Prerogative of Mercy; Award of National Honours; the Federal Electoral Commission; the Federal Judicial Service Commission, among other duties.⁵⁰

From our discourse, it is possible to infer that under the 1979 constitution of the Federal Republic of Nigeria as compared to the situation in the First Republic the powers of the traditional rulers whittled down considerably. Also, under the military administrations that preceded the Second Republic, the rulers appeared to have enjoyed a more robust quasi-legal patronage from the political class.

Summary and Conclusion

By now the reader would have come to terms as to what have always been the role and position of the Nigerian traditional institution in the country's political governance. This role has undoubtedly been visible. At no time (even during what seemed to be dark days of the military regime) were they not part of governance. The study shows, in a graphic manner, how the British colonial administrators set the pace by assigning specific functions to these revered Nigerians. This pace was followed up by the Nigerian political leaders of the immediate post-colonial period. Thus, we may add that in asking for a specific constitutional role for Nigerian traditional rulers as has been the case in the recent past, maybe an overt or covert invitation to the opening of a floodgate for other Nigerian social, political and economic groups to initiate their own demand for specific constitutional role. In this direction, the Nigerian civil society groups, the Nigerian Union of Journalists, the Academic Staff Union of Universities, the Historical Society of Nigeria, the Nigerian Medical Association, the Nigerian Bar Association, the Christian Association of Nigeria, among many other platforms, may likely join the queue in demanding for a constitutional role. We must, therefore, avoid such a loose precedent that may scuttle the country's journey to the attainment of a true nation.

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- 16.Daily Service, November 4,1946.
- 17.Daily Service, November 12, 1947.
- 18.The reader may see Coleman, *Nigeria: Background...*p.279, for the details of the Chief Secretary's defence of the Ooni's statement on the chiefs as agents of government.

- 19.Bitiyong, "The Chiefs, "p.149
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