The Roles and the Challenges of Traditional Rulers in Land Conflict Resolution and Management in Nigeria: A Case Study of Bauchi State, Nigeria

Surv Ibrahim Saidu, JAHUN and Bauchi Emirate, Nigeria

Key words: boundary, land conflict, resolution, traditional rulers, district heads

Abstract

In this paper, the process of land acquisition and sources of land conflicts would be discussed. The definition and the roles of traditional rulers would be given and the historical evolution of the traditional institution in Nigeria with particular reference to Bauchi State experience in land management would be presented. The unique position of Bauchi state in Nigeria in terms of its significant population and land mass has been identified. The state's advantageous position as regards to its socio-political weight in Nigeria's land administration is highlighted. The specific roles and the yearning gap of the traditional institution's contribution in land conflict and resolution would be enumerated as it affects Bauchi State. The prospects and the problems of the traditional rulers' roles would be listed. In conclusion, recommendations towards effective role of traditional rulers in land matters would be offered.

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INTRODUCTION

Land is a precious commodity on which all our existence depends. The management of land therefore requires careful treatment with all the seriousness it deserves. Communities, clan, groups, individuals are competitively acquiring land by which the nature of its transaction is every complex. The demand for land is daily on the increase due to population pressure. Therefore any form of management arrangement developed to alleviate and smoothened land transactions that will be free from all complexity will certainly be a welcome relief. In this paper therefore, the definitions and the roles of traditional rulers in land conflict resolution in Nigeria with a particular on Bauchi State will be enumerated. The changing roles of the traditional rulers in land administration will be highlighted. Bauchi State which is located in the hinterland of Nigeria has a special consideration in terms of its history, population and land mass. The challenges and problems facing the traditional rulers in the discharge of land conflict resolution are stated. Recommendations for the effective roles of traditional rulers in land conflict resolution will be listed.

1. DEFINITION OF A TRADITIONAL RULER

A traditional ruler is defined differently by many authors depending on time and circumstances. In the pre-colonial era a traditional ruler is defined as a person who by virtue of his ancestral position 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 advent of the British in Nigeria¹. The traditional ruler as defined above has absolute executive, legislative as well as judicial powers. Examples of such rulers under this definition are *Emirs* in the Northern Nigeria such as Emirs of Bauchi, Kano, Zaria, Adamawa, Ilorin, Gombe etc Etsu Nupe and Shehu of Borno. In the Western Nigeria are the Alafins of Oyo, Oni of Ife, Oba of Benin. The *Emirs* and the Alafins had well structured system of administration on how they governed their people. In the Eastern Nigeria, the system of administration before the advent of the colonial rule was based on small communities being headed by a purely democratic process and not necessary by hereditary.

Main towns and locations of some traditional rulers in Nigeria are shown in figure 1 below.

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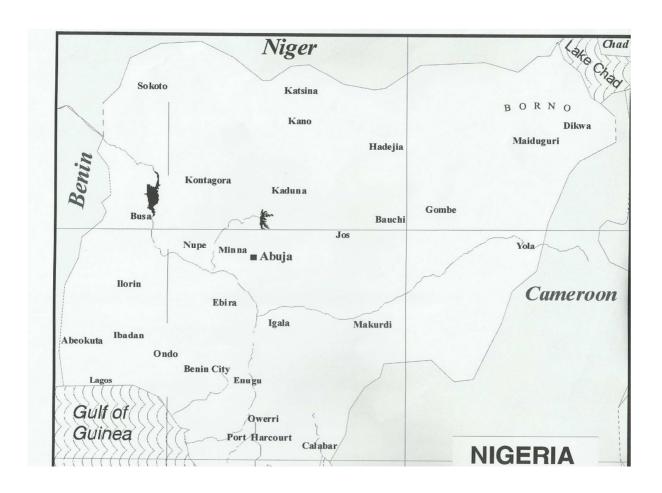


Fig. 1: Towns and Locations of some Traditional Rulers in Nigeria.

In another definition, a traditional ruler is the traditional head of an ethnic unit or clan who for the time being the holder of the highest traditional authority whose title is recognized as a traditional ruler's title by the government of the state². This definition is favoured and can support the creation of new traditional rulers to any deserving units or clans by the wish of the government.

2. LAND DISTRIBUTION

Land is said to be the source of life and indispensable for the existence of every human being. Land has economic, social and political values that has interwoven and complex relationship. Its judicial management is therefore necessary.

Nigeria (Fig. 2) has an arable land totaling 910,771 sq km with a population of 178,516,904 (2014) with annual 1.9% annual increase) and having varying beliefs, cultures and traditions. The endowment of its 250 ethnic groups has become the source of strength and unity of the nation state.

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Bauchi State (Fig. 3) which is one of the 36 states in Nigeria is bounded by six states; these states are Gombe, Taraba, Plateau, Jigawa, Yobe and Kaduna, and has a total population of 4,676,465 (2013) million people with a land mass of 49,119 sq km. With its internally displaced people the population is believed to be over 7million now. It has 55 ethnic groups. In terms of population it ranks the 7th while in terms of its land mass it is the 6th most populous state in Nigeria the Hausa/Fulani being in the majority followed by Gerawa, Jarawa, Kare-Kare, Kanuri, Sayawa, Zulawa, Warjawa and Badawa in that order.

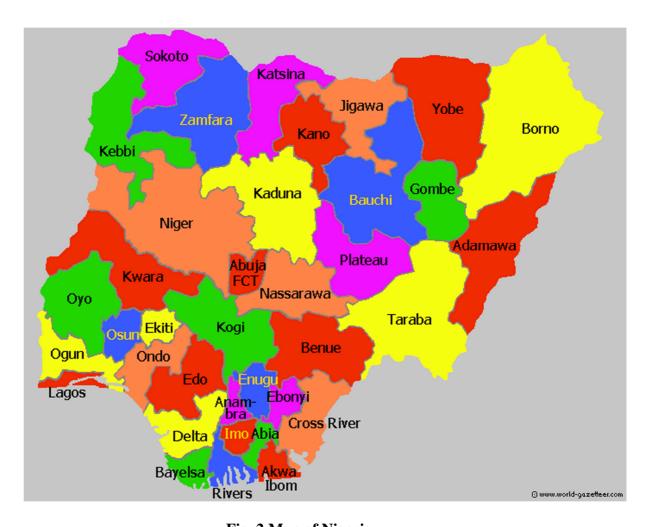


Fig. 2 Map of Nigeria

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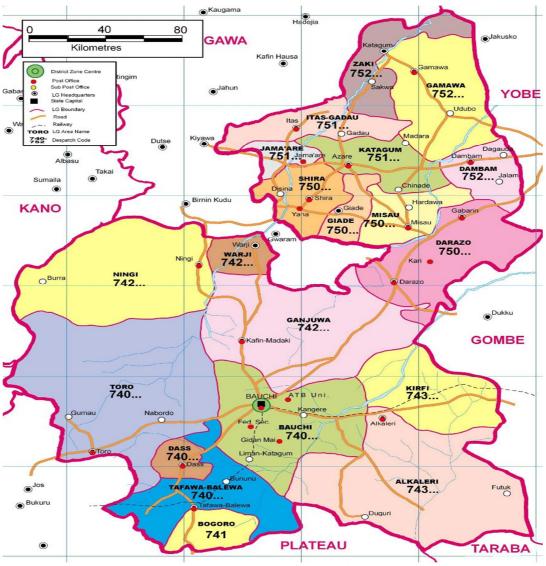


Fig. 3 Map of Bauchi

3. THE ROLES OF TRADITIONAL RULERS IN NIGERIA

From the point of view of the definition of a traditional ruler, as defined by the government, their functions have diminished from having legislative, judicial and executive powers in its day to day affairs to a mere advisory status and as custodians of culture and tradition at the local government and to some extent at state levels. The people however still have high regard and respect for the traditional rulers.

The hangover of authority they earned previously still lingers on to the extent that their views and instructions are being obeyed and respected with total loyalty without questions. It is believed up till today that they are sacred and extra ordinary Institutions. It is on that belief

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and recognition that government programs and policies are accepted by the communities when routed through traditional rulers.

Special programmes such as immunizations against polio, infectious diseases, census and voter registration, for example were sometimes accepted with lukewarm attitude or rejected in many instances by some communities. However, with the intervention of traditional rulers, the communities do agree to avail themselves for the various immunizations programmes without suspicion or even outright rejection.

4. TRADITIONAL RULERS IN BAUCHI STATE

Before the advent of the colonial rule, many systems of administrations under the Habe (Hausa), Kanem Borno, Kwararrafa, Songhai empires were all in existence in Northern Nigeria. When Othman Shehu Danfodio came as a reformist in the 19th century, he conquered and established Shehu Dan Fodio Empire where Emirs were given flags as a sign of being conquered by Dan Fodio.

Presently, there are six (6) emirates in Bauchi State that emanated from the Jihad of Shehu Dan Fodio. Each of the emirates was given a flag as a symbol of allegiance except Dass. The Emirates are Bauchi, Katagum, Misau, Jama'are and Ningi. Each Emirate has a number of District Heads(*Hakimai*) and each District Head has a number of Village Heads(*Gundumomi*) under him. In turn each Village Head has a number Ward Heads (*Mai littafi*) to supervise. Ward heads have *Mai Unguwas* under them. Presently, there are a total of 193 District Heads against an initial 37 and 987 Village Heads from 121, and over 9,000 Ward Heads. This increase was made by the present state government between the year 2013 and 2014 as a result of the realization of the continuous relevance and assistance being given by the traditional rulers towards the smooth running of government affairs and policies especially on peace, harmony and peaceful coexistence amongst the various communities in the state.

The official method of communication between the traditional rulers starts either from the top to the bottom or vice versa at all times. The Ward Head for example will only communicate with his District Head, and if the matter brought before the District Head is beyond his authority he will in turn forward the matter to Emirate Council or local Government depending on the nature of the matter. The case may go up to the state government level for final solution. This method is maintained religiously to avoid any breakdown of communication. This method of communication is maintained strictly to ensure discipline and orderliness at all times in the emirates.

The relationship between the government and its agencies with the traditional institution is best described in Fig. 4. Shown below:

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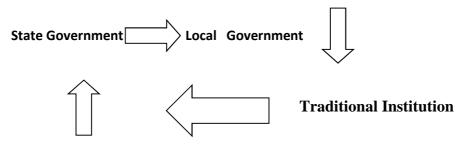


Fig. 4 Relationship of

4.1 **Boundary Matters**

Having highlighted the general roles of traditional rulers, the Bauchi State government has given some kind of responsibilities to traditional rulers which specifically entails treating land and boundary disputes. This is in recognition of their proximity with the people and also as the custodian of the culture and tradition of the people.

Other functions of traditional rulers in the State include but not limited to the following; maintenance of law and order, without prejudice to the legal process, the District Head may assist or intervene to settle boundary and farm disputes, collection of revenues as directed by the local government.

4.2 Bauchi State Boundary Commission

Bauchi State government has established a commission charged with the following mandates; to deal with inter and intra local government boundary disputes within the state, to define and delineate boundaries in accordance with the delimitation instrument or documents established for the purpose, identify and intervene in areas of potential disputes in the state, liaise with the National Boundary Commission in a boundary matter relating to neighboring states, create awareness, sensitization and enlightenment to the communities on border regions, and to establish local government boundary committee with similar duties and functions.

The composition of the Bauchi State Boundary Commission and local government boundary committee interestingly has captured the confidence and membership of traditional rulers in very clear terms. The he commission which is headed by the deputy Governor has the Chairman of the State Traditional Council as a member to be appointed by the state government. While the local boundary committee is headed by the Deputy Chairman of the Local Government Council has in it a District Head (*Hakimi*) and a Village Head (*Maigunduma*) as members appointed by the Commission's Chairman..

4.3 Land Registration

The Bauchi State as a whole is lagging behind in land registration prior to the coming of the present administration. The signing of contract between Bauchi State government and Sivan Design Company for the development of Bauchi Geographic Information System (BAGIS),

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has given hope and direction towards fast processing and computerization of land records. Applications for Certificate of Occupancy which hitherto take one month to process now take twenty four hours only. This has not only made land accessible in the community but has also reduced some bottle necks and unnecessary duplications of duties and offers.

With the clamour for land registration to increase at a faster rate, the current Sporadic Land Title Registration which is considered slow, the Sporadic Land Title Registration system (*SLTR*) developed by the Presidential Technical Committee on Land Reform (*PTCLR*) has given traditional rulers relevant position in one of its committee called "Land Mediation and Adjudication Committee". All the committee members have one relation or the other with the traditional ruler in his or her appointment in the committee. The committee members consist of, a land officer, a village head, a representative of community association, a woman leader and a youth leader.

The rigours of investigation of land ownership must go through authentication examination with the assistance of the traditional ruler in whose domain the land in question is located.

5. THE CAUSES OF LAND CONFLICTS

The limitation of land may be due to many factors some of which are; population pressure, multiple users, rural-urban migration and minor/gender issues. Undefined or improper delineation or description of land also leads to ambiguities resulting to conflicts. Faulty land transfers especially when done through private conveyance method also contribute to land dispute.

The process of land acquisition when faulty would result in complicating land ownership. The common form of acquisition of land is either by purchase, leasing, adverse possession, inheritance or donation.

Land conflicts arise as a result of land limitation and driven by legitimacy as perceived by two or more claimants. In addition, the interdependency of the claimants having almost equal power also contributes to sustain the conflicts.

The causes of land disputes can be related to either positional, territorial, resource or cultural origin, the way and manner land is demarcated can give rise to dispute. For example, if a boundary is marked by temporary features it is more susceptible to dispute than the one marked by permanent features such as rivers, mountains or roads.

Territorial boundaries are such boundaries which are being claimed by long occupation or historical reasons but are being challenged by other groups. This type of dispute can trigger some level of animosity among the people.

The resource type of land dispute is usually on scarcity of water, or presence of oil, or absence of food or struggling for one type of recourses or the other.

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The cultural type is the one in which legitimacy or superiority complex to dominate on religious, ethnic, political or linguistic basis. Land dispute relating to any of them is difficult to resolve due to personal and value issues involved.

6. LAND ADMINISTRATION

The land use decree (act) of 1976 has vested the land in trust on the states and local governments for the common use of urban land and non urban land respectively. The act seeks to harmonize and unify the system of land acquisition throughout Nigeria. It gives each State governor the control and management of the land within his jurisdiction. Other lands are to be managed and controlled by the local governments within their jurisdictions. Hitherto access to land by the federal government for the overriding public interest in some states was near impossible due to their varying cultural, economic, social and political reasons.

Land is usually administered on behalf of the governor by the Ministry in charge of Land and Surveys in each state. In Bauchi State, the Ministry of Land is responsible for the processing of land applications for various land uses and the valuation and registration for all purposes. It also collects ground rents accrued to properties in addition to advising the government on all matters related to land. It also registers mortgages and assignments and consents. The Survey and Planning unit of the Ministry has the responsibility of surveying and mapping including cadastral aspect and design of layouts.

So far only an insignificant percentage of land in the state is surveyed and registered with state and local governments and at the federal government level. Out of the total land mass only 3% is surveyed and registered. The revelation is certainly alarming and therefore calls for concern.

7. SOME DECIDED CASES ON BOUNDARY DISPUTES

The boundary disputes were emanated due to either one or all of the reasons highlighted above, in section 5. With the intervention of the traditional rulers the following land disputes were resolved amicably. Where the issues are still pending or unresolved, there is good understanding and cordial and peaceful coexistence amongst the disputing communities as a result of the fatherly intervention of traditional rulers.

Boundary dispute between Jambil in Tafawa Balewa Local Government and Zungur in Bauchi Local Government. The matter has been settled with the intervention of the two Districts Heads. This was caused by undefined boundaries between the two parties.

Boundary dispute between Gwaran Local Government of Jigawa State and Giade Local Government in Bauchi State. This is an interstate boundary issue which requires the final intervention of the national boundary commission. The preliminaries however depend on the honest intervention of the local traditional rulers. The dispute is on a distance of 15km

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between the two states. The matter has not been concluded but the communities remain calm with the intervention of the traditional rulers.

Marbini in Ganjuwa LGA of Bauchi State and Zumburum in Gwaran LGA of Jigawa state

The boundary dispute started from the sharing a facility(market space) in which one is believed to be monopolising the use of the facility at the expense of the other. The issue which has been under the control of the traditional rulers has been resolved amicably. Darazo LGA in Bauchi State and Gwaram in Gwaram LGA Jigawa State.

The border problem is between two states which is currently receiving good attention by the traditional rulers of the two states.

Shira LGA in Bauchi State and Gwaram LGA in Jigawa State.

A border problem between two states and is currently receiving good attention of the respective traditional rulers from the two states.

A border dispute between the communities of Gamadadi in Ganjuwa LGA and Ganjigina in Darazo LGA both in Bauchi State. The issue has lingered for over 20 years. The matter is being handled by the two District Heads and is in advanced staged of being resolved. The author has headed the reconciliation committee.

Land Dispute between Gula, Dewu Villages in Kirfi District, Kirfi LGA and Kediya in Ganjuwa District, Ganjuwa LGA in Bauchi State. A committee was set up and was headed by the Author and the matter was resolved after taking disciplinary actions against the offenders. This was a case of sharing of resources between the two parties where in one party was trying to dominate the other.

A boundary dispute between Gombe State and Bauchi State over Katagum Village ownership. There is cultural and political dimension to this boundary issue. The solution to this requires high powered intervention and maturity. The Traditional rulers of the two states were able to calm nerves down while the matter is receiving national attention for final and amicable resolution.

Land dispute between communities of Unguwan Ribina and Toro in Toro LGA. The dispute emanated as a result of faulty conveyance and private transaction. The Bauchi Emirate Council has intervened and the matter resolved amicably.

8. PROSPECTS AND CHALLENGES

The traditional rulers, by virtue of being in existence for long, and their being on the throne indefinitely has given their subjects confidence, assurance, reliability and continuity. They see their rulers as permanent pillars of their existence. Their powers even though seem to be

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in abstracts form, are still strong and enduring. In fact it is believed that failure to adhere to advice given by traditional rulers can spell doom on whoever rejects their advice. Other powers acquired are considered ephemeral and temporal. The consequences for disobedience are not permanent in nature.

The creation of additional District and Village Heads has given high credence and premium to the duties of traditional rulers in Bauchi State as land cases are being disposed of faster and easier. Access by the community to the authority has become easier. Fewer cases are reported at a higher authority.

In view of the fact that appointment of Village Heads is done democratically by election, popular candidate usually emerged and loyalty to his authority and view are respected.

It is worthy of note that majority of the current traditional rulers in Nigeria are well educated and experienced in administration. Many of them have attained high position in government and even retired as judges of supreme courts, military generals, Inspector General of Police, ministers, Permanent Secretaries, Governors, and Professors amongst them. The experiences they acquire during their active years in services have placed them at a very good advantage as traditional rulers.

The methods of conflict resolution employed by the traditional rulers are more cost effective than conventional ones used in the law courts.

9. PROBLEMS/CHALLENGES OF TRADITIONAL RULERS.

Though the traditional rulers have prominent roles in land disputes resolution, they have not been given a constitutional relevance or recognition to effectively and decisively act on land matters.

Lack of adequate training in the area of survey and map hinders them from effectively from discharging their duties.

There are no adequate map and survey data in their offices and at their local governments offices that will enable them record and maintain land transactions.

Lack of capacity building in all its ramifications that includes human and material to record and maintain such services which land conflict resolutions requires on a continuing basis.

Lack of constitutional recognition which will support and give legal backing in the discharge of their duties.

The current facilities, human, material and the infrastructure cannot support the proposed SLTR implementation.

Many land transactions are not recorded and where the documentations exist they are usually vague and ambiguous. This certainly leads to litigation and end up being a boundary issue depending on the location and the parties involved.

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The rigours of arriving at a solution to boundary issues through conventional method are very hectic, long and cumbersome, this has made many boundary issues difficult to resolve.

10. OBSERVATIONS AND RECOMMENDATIONS

Boundaries of local governments within the state are not demarcated physically. The boundaries are considered as general boundary concept. From time to time the boundaries are being tested by many communities and individuals. When such provocations arise the local government boundary committee usually comes in to settle the issue. It is therefore necessary to advice the state government to put in motion the process for local government area demarcation so as to avoid or minimize to the barest level boundary disputes

In as much as population is increasing, the yearning for land will continue to escalates, the intrigue and complexity in access to land will manifest in an increasing and unimaginable rate. Access to land must be liberated, in such a way that the conventional surveys must be reviewed for systematic land title registration system as opposed to sticking to sporadic title registration system currently in place.

Our training institutions must be up and doing to respond and address the yearning gap for surveyors. The para-surveyors proposed by the PTCLR must be given qualitative training in large numbers by all the States in Nigeria.

It is therefore recommended that traditional rulers should be properly integrated on issues related to land.

In order to expand the horizon of the traditional rulers' involvement in land conflict resolution, their training in the area of survey and map is recommended at regular intervals so as to be effective in the discharge of such duties.

Also it is strongly recommended that all forms of land transactions must be documented up to local government level along with the consent of traditional rulers within the areas of their jurisdictions

The current facilities both material and human that cannot support the proposed SLTR needs to be improved upon.

Land transactions at the community level do not go through the proper channel. For example leasing, purchasing and donations of land are often done in private which in the long run create problems. It is recommended that all land transactions at community level should go through the proper channels, this will minimize disputes or conflicts.

CONCLUSION

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In this paper, the various definitions of a traditional ruler are given. The role of traditional rulers in the sustenance of our democracy cannot be over emphasized. The traditional rulers play a vital role in maintaining law and order in our society. This is achieved specifically by the settlement of land disputes in their various communities as presented in this paper. Land disputes if not properly handled with create problems of unimaginable proportions. By being closer to the people, and by virtue of the respect people have for the traditional institutions, the task of settling land disputes has gone a long way in maintaining and sustaining peace in the Bauchi State in particular and Nigeria in general.

The government both at the federal, state level have found it necessary to effectively use traditional rulers for promoting peace among the various communities. A lot of government programmes are carried out with massive support of traditional rulers in various communities across the country through their enlightenment, mobilization and sensitization drive.

However, there are certain challenges being faced by the traditional rulers some of which have been highlighted in section 9 and the prospects and recommendations are presented in section 10. Their diminishing authorities notwithstanding, their prestige in the eyes of their subjects are still intact.

REFERENCE:

- 1. BELLO-IMAM, I B (1996), Local Government in Nigeria, Evolving a Third Tier of Government. Ibadan, Heinemann Educational books (Nigeria).
- 2. COOKEY, S,J,S et al (2010), Traditional Rulers in Nigeria. Ibadan, Safari Books Ltd, Ibadan, pages^{1,2} (135, 136, 137).
- 3. Encarta Interactive World Atlas (2004), "Environmental Challenges".
- 4. GLTN Publications, "Handling Land, Innovative Tools for Land Governance and Secure Tenure". UN-HABITAT.
- 5. ILE, O. J(2014), The Text, The Critic, and Conflict Resolution In Nigeria. Nigeria. Rossen Publications Ltd.
- 6. Land Use Act (1978), Nigeria.
- 7. Max A. E & Wendy F.(2011), Resolving Conflict, Management.University Park II, Humpshire. PocketBooks Ltd.
- 8. Publications from the Office of Bauchi State Boundary Commission, Bauchi State Nigeria (2013 and 2014).

The Roles and the Challenges of Traditional Rulers in Land Conflicts and Management in Nigeria – a Cas 43/14 Study of Bauchi State in Nigeria (7577)

Ibrahim Jahun, Saidu (Nigeria)

- 9. Rogers Blench, et al(2006) "The Roles of Traditional Rulers in Conflict Prevention and Mediation in Nigeria", DFID, Nigeria
- 10. Simpson, S R (1976), Land Law and Registration. London: William Clowes & Sons Limited. London, Beccles, and Coldchester.
- 11. The Presidential Committee on Land Reform (2013), Draft Land Use Act Regulations, Office of the Secretary to the Government of the Federation.
- 12. Publications from the Bauchi State Ministry of Land Housing and Environment, Bauchi, Nigeria (2013 and 2014).