An Historical Analysis of the Changing Role of Traditional Rulers In Governance In Nigeria

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Abstract: the paper gave an historical account of the changing role of traditional rulers in governance in Nigeria. Using the secondary sources of data collection, the paper aver that in practical terms, traditional rulers do not have any official role to play in the political machinery and governance in contemporary Nigeria. At best, they serve in an unofficial capacity as mere advisory body to the local, state and federal government functionaries. This situation is not unique to Nigeria alone as the situation is similar in other parts of the world, particularly in independent African states, such as Ghana, Tanzania, Uganda, Gambia, Sierra Leon amongst others. This situation has however not gone down well with the traditional rulers themselves and other people who know and acknowledge the importance of traditional ruler ship in traditional African societies. Not only this, scholars and other commentators have differed in their positions to whether the status-quo should remain or that traditional rulers should be given official recognitions, roles and responsibilities in the Nigerian contemporary political landscapes. While thisdebates rages on, there has been no significant step taken to improve the status of the traditional rulers in Nigeria despite their continued patronage by political leaders.

I.   INTRODUCTION

For centuries before the advent of British rule, governance in different parts of present-day Nigeria was synonymous with traditional institutions and their rulers. Local administration generally centered on the traditional ruler who was considered the repository of religious, legislative, executive and judicial functions, with a few exceptions (e.g.: in the south-east amongst Ibo communities) (Afigbo 2002). In effect, the traditional ruler formed the nucleus of governance. 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 Nigeria (Cookey,2010). 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 Northern Nigeria such as Emirs of Bauchi, Kano, Zaria, Adamawa, Ilorin, Gombe etcEtsuNupe and Shehu of Borno. In 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 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 (Cookey,2010). 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 state (ILE, 2014).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.

II.   STATEMENT OF THE PROBLEM

In contemporary times, the traditional institutions have been relegated to the position of obscurity in matters of governance, especially when compared to the enviable position they occupied during the pre and colonial era. As a matter of fact, the traditional institution does not enjoy constitutional recognition or responsibilities despite their seemingly crucial role in governance. According to Adeleke (2010), what is happening to the traditional chieftaincy institutions in contemporary Nigeria is just a manifestation of our

inability to fashion out suitable political system that will reflect our social, economic and political realities as against the colonial and military imposed political structures of the colonial era and post-independence period respectively. While it is a truism that traditional institutions play a very crucial role in governance, yet, criticism against traditional institutions has been massive. Most of these criticism has to do with the ignoble usage of traditional positions during the colonial era. For instance, Keulder (2008) has identified four major areas of criticisms against the traditional institutions in Nigeria. These are: The institution of traditional rulers is an essentially autocratic one and cannot be accommodated under a democratic dispensation; The institution is bound by tradition and is hence not an effective tool with which to promote modernization i.e., development; The institution is essentially male-dominated and contributes to institutionalized gender inequalities at the local (rural) level and; The institution promotes "tribalism" which is a potential threat to the national policy of nation building. Other prominent criticisms of the traditional institutions in contemporary Nigeria include tussle for leadership among traditional rulers in the Council of Traditional Rulers, involvement in partisan politics for personal gains and lending support for the reigning governments whether civilian or military. Moreover, traditional rulers in Nigeria are fond of bestowing traditional chieftaincy titles to wealthy and affluent people in the society who have not made any significant contribution to the growth and development of the society for their personal aggrandizement and material benefits (Adesoji, 2010). It is against this background that this study will examine the role of traditional rulers in governance.

Traditional Authority In Nigeria: Meaning And Origin

Issues relating to tradition and its institution are handed down or transmitted from the past. Its authority is mostly unquestionably accepted, adhered to and its principles practiced with reverence. Its practice reflects continuity with the past for which its continuity is usually understood to link generations (Heywood, 2006:212). Tradition weave together both social and political system of a collective; the social defines and directs how people of an ethnic group ought to live and relate, the political enforces adherence to traditional norms of a group by exercising authority to secure obedience from the people. This person is linked to African traditional which sees political power as often personalized and that leadership is permanent in the context of self recruited oligarchy (Okolie and Chime, 2008:349). The ordering of traditional authority in Nigeria had an aristocratic flare that was and still is domineering over their subjects. Even the warrant chief arrangement that were established by the British within the Middle-Belt and Eastern region to help collect taxes and maintain law and order at latter metamorphosed into traditional authority took on the aristocratic and domineering aura in order to command respect and obedience.

The power of traditional authority is rooted in tradition; given its deep root in group beliefs and values it powers is not to be underestimated because it is intricately attached to spiritualism or cultural level of giving meaning to people's lives, of allowing them to experience a sense of belong (Allison, 2003:545). Hence, traditional authority derives its powers by appealing to customs and tradition (Thomson, 2007:93). Traditional authority is hierarchical ordered and structured on the basis of status; it is a compound of factors such as honour, prestige, standing and power. It is characterized by the person's role, rights and duties in relation to the other members of that order (Heywood, 2006:212). Given the distance between the Nigerian state and the people arising from continued government arbitrariness and neglect of the needs of the people Nigerians have strong affiliation to traditional authority for protection.

Traditional authority as used here relates to the system of rulership and it is headed by a traditional ruler. According to the Dasuki Committee (1986), a traditional ruler is a person who by virtue of his ancestry occupies the throne or stool of an area and who has been appointed to it in accordance with the customs and tradition of the area and has suzerainty over the people of the area (MAMSER, 1987:147). Reflecting closely on the definition offered above it is evident that one can only become a traditional ruler only through inheritance. Consequently, only members of the traditional ruling families can legitimately aspire to become traditional rulers. Since, it is a hereditary office those who do not belong to that traditional group or do not have a traditional institution cannot become traditional ruler of a given locality or ethnic group even if he possess better rulership qualities than members of the "ruling" or "royal families". While this definition assures privileges for some it at the same time results in the exclusion of others.

Determining the exact origin of traditional institution remain elusive but it is certain that most of the nation-state scattered across the then territory now named Nigeria had traditional institution that played a significant role to their growth, influence, development and dominance of other societies. At the head of every traditional institution sits the traditional ruler who exercised sovereign power over the people. In pre-colonial era most of the traditional institutions had well structured system of government that was basically centralized and access to rulership was hereditary. In some parts traditional structures of rulership were more dispersed, or were acephalous (Darren and Lewis, 2010:368). During colonialism all that changed as the colonial government restructured and incorporated the indigenous system to serve the interest of the colonial state and the metropolitan authority. It was an attempt by the colonial authority to rule through the traditional political

structures (Akinboye and Anifowose, 2005:238). In reality however, traditional political institutions incorporated into colonial administrative machinery were not allowed to enjoy any autonomy but they were required to operate within the demands of colonial state (MAMSER, 1987:148). During colonial conquest the British colonialist used the prominent traditional authorities to conquer localities that were periphery or interior and elusive to the colonialist reach. Characteristically, several pre-colonial societies had democratic elements that scholars speculate might have led to more open and participatory polities had they not been interrupted by colonialism. Governance in the Yoruba and the Igbo communities involved principles of accountability and representation. Among the Islamic communities of the north, political society was highly structured, reflecting local interpretation of Qur'anic principles. Leadership structures were considerably more hierarchical than those of the south. The Islamic Fulani Empire was a confederation in which the ruler, emir, owned allegiance to the sultan, who was the temporal and spiritual head of the empire. The sultan's powers, in turn, were circumscribed by the obligation to observe Islamic principles. Toward the southern edge of the savanna political authority was diffused, such that later western contact described them as "stateless", or acephalous societies. Down south were the trading city-states of the Niger-delta and its hinterland, peopled by a wide range of ethnicities (Darren and Lewis, 2010:368). It is however difficult to agree absolutely with the view that all pre-colonial societies exhibited democratic element that would have in the future led to more open and participatory politics had they not been interrupted by colonialism.

Traditional Institutions And Governance In Colonial Nigeria

The most important role for traditional rulers in early colonial Nigeria lay not in the area of elective politics at the national level, but rather in the area of local administration in Nigeria's administrative structures. In theory, these were based upon the notion of indirect rule. With the Governor General at the head of the administration. the chain of command continued through the Lieutenant Governors in the Provinces, the District Officers in the Divisions, and the Native Authorities in the Native Administration (Blitz,2005). The Native Authority was the local traditional ruler who alone was charged with the responsibilities of local administration and government within his domain. The role of the Native Authority was two-fold. First, he was the last link in the colonial administrative chain and it was through him that decisions made at the center were enforced locally. As an agent of the central government, the Native Authority was subordinate to the District Officer and indirect rule was very direct. However, in the area of local government, the role of the Native Authority was changed somewhat . Here, the British established the general guidelines, but left much of the actual policy making up to the individual Native Authorities (Blitz,2005).

So long as the,Native Authority operated within the established boundries, the District Officer functioned as an advisor to him. In order for a traditional ruler to become a Native Authority, he had to be recognized as such by the Governor. Officially, British policy was to select the senior traditional ruler of an area as the Native Authority (Ezera, 2004). This process was complicated by the diverse types of traditional rulers in Nigeria. . In the North, an aristocratic and autocratic hierarchical system of traditional rule was clearly designated, and the senior traditional rulers-- the Emirs-- could easily be identified. In the south, however, the traditional rulers rarely ruled alone, but rather derived their authority from their position "in council". In the east, political organization was highly decentralized and rarely went beyond the village level. Even at the village level, though, few central traditional rulers existed. Rather, village councils operated which were representative of the major clans in the village (Bretton, 2002). Thus the very act of selecting individual traditional rulers who could then be integrated into central colonial administration interfered with the very notion of the traditional ruler ruling not above society, but rather in it. In addition to the problem of identification. the problem of succession also arose. In most instances, the selection of a traditional ruler was a political process which took place between members of a given community. Political battles were fought and the winner emerged as the traditional ruler. With the integration of traditional rulers into the national Administration.

The decision of the community ceased to be final. As all Native Authorities had to be confirmed by the Governor, the community in question had to select from amongst those contestants who were acceptable to him (Hailey,1999). Thus, even without active intervention. The central government indirectly influenced the outcome of the selection process. Early colonial Nigeria thus provided traditional rulers with two ways in which they could influence politics. At the national level, traditional rulers had lost their legal role in the Legislative Council, however, they did influence it by forming the political base of the only successful political party at the time, the Nigerian National Democratic Party (N.N.D.P). At the local level, the legal role of the traditional ruler as a Native Authority was provided for in a clearly prescribed manner (Hailey,1999). However, the definition of the Native Authority both as a direct member of the central administration as well as an independent local administrator served to alienate him from his most basic power base, his subjects.

Prior to the constitutional reviews which began in 1944, traditional rulers had played an active role in elective politics in urban areas. At the same time, their rural counterparts were becoming increasingly dependent upon the central government, and increasingly independent of their own communities, for their power and

authority. It was upon this rather uncertain base upon which the Constitution of 1944, the Richards constitution was placed. The Richards Constitution sought to bridge the gap between the Native Authorities at the local level and the largely appointed and official Legislative Council at the national level.10 In order to do this, representation based upon the notion of regionalism was introduced into both the Houses of Assembly as well as the Legislative Council. At the regional level, the constitution established house of Assembly in each of the three regions, as well as a House of Chiefs in) the North (Jones,2007). Each House of Assembly included both official members, those appointed by the Governor who officially supported him, as well as unofficial members who were selected for the most part, by the Native Authorities Council from amongst themselves. In the East, the un-officials numbered are 15-18, 10-13 of whom were selected by the Native Authorities and about five by the Governor. The Western and Northern Regions accentuated the role of the Native Authorities and the traditional rulers. In the West, in addition to having 7-11 of the 15-19 unofficial members selected from and by the Native Authorities, the Governor, after consultation with the Chiefs of the Western Provinces, appointed three Head Chiefs to the House. Additionally, the Governor appointed five minority representatives (Akpan, 2005). In the North, a House of Chiefs was created to supplement the House of Assembly. Membership in the House of Chiefs included all First Class chiefs as well as "not less than 10 Second Class chiefs, selected by their own order.

In the House of Assembly, un-officials number were between 20-24, 14-18 of whom were selected from among the Native Authorities, six of whom could be selected by the Governor (Akpan,2005). In the North, traditional rulers were in effect represented twice; first in the House of Chiefs and second as Native Authorities. Those selected by the Governor were to ensure the adequate representation of minorities which might not otherwise have been included. In the Western region, though to a lesser extent, the same arrangement, held true, with the Head Chiefs receiving direct representation in the Assembly. The influence of the traditional rulers at the regional level spilled over into the national level where the Legislative Council was composed of members elected by the regional assemblies. The nationalist elements reacted strongly to the imposition of the Richards Constitution. They noted that it had' been forced upon Nigeria with no prior consultation and the result had been a system which included only the traditional elements of society and the official members of the administration (Ezera, 2004). While providing no role for the nationalist movements. In addition, the nationalists asserted that due to their position in the Colonial Administration, Native Authorities should have been listed as official members of the Houses of Assembly. Thus, the nationalists claimed. Nigeria had no unofficial representation in its entire governmental structure.

The four-year life of the Clifford constitution was dominated by two central themes: First, an ongoing effort to have the constitution broadened to include Nigeria's emerging political parties and second an equally persistent effort on the part of Nigeria's leading politicians to consolidate their support. In both cases, traditional rulers played direct roles. When a delegation of nationalists went to London in 1947 to request a review of the Richard's Constitution. their requests were denied and they were told to return to Nigeria and to; make the best of the existing constitution. However, in April 1948, Arthur Richard was retired as Governor of Nigeria and was replaced by Sir John Macpherson (Ezera, 2004). After just two months in the country, Macpherson announced to the Legislative Council that he had been "greatly encouraged" by the working of the Richard's constitution and therefore thought it was appropriate to make constitutional changes to take effect at the beginning of 1950, five years before the constitution was scheduled to be reviewed. The dilemma which Nigeria faced was no longer whether or not to change the constitution, but rather how to change it. This issue was partially settled when the Legislative Council agreed with the Secretary of State for the Colonies, Mr. Michael Foot's proposal that popular opinion should be thoroughly canvassed at the village, district, provincial, regional, and national levels (Mair, 2008). This "canvassing, " however, was not to be done directly through elected assemblies, but rather indirectly through a series of hierarchical conferences. At each level, a position was reserved for those officials, primarily traditional rulers, who were closely tied to the existing governmental structure. The process endorsed by the Legislative Council called first for a series of meetings at the village level. Here, at the "grass-roots" Level, every Nigerian was to have the opportunity to express his opinion about the future constitutional development of the country. Actually, these meetings served more as electoral colleges for the conferences which were to follow.

After the village meetings took place, the Village Council, composed of traditional members as well as those appointed by the locally recognized Native Authority, elected representatives who were then sent to the district conferences. The district conference in turn held discussions and sent representatives to the provincial conferences. At the provincial level, the Resident, after consultation with the House of Assembly, the Native Authority, or "any other representative body, could add members as he saw it (Mair, 2008) . The Regional conferences included r e p r e s e n t a t i v e s from the provincial conferences as well as all unofficial members of the Houses of Assembly. From here, representatives were sent to the national conference in Ibadan, which also included all the unofficial members of the Legislative Council.

The process of selecting representatives for the national conference thus provided traditional rulers with two sources of influence. First, the Village Council, which was the first step in the entire process, was under the direct influence of the local traditional ruler who was serving as the Native Authority. Secondly, the unofficial members of the Houses of Assembly, who were automatically included in the regional conferences, were selected by the Native Authorities, from among their own ranks. It was this group which then selected the Legislative Council. Thus, traditional rulers had the opportunity to influence heavily the composition of the final conference, and in the process the constitutional arrangements it adopted (Munoz, 2000).

In 1951, the Nigeria (Constitution) Order in Council was passed and the "Macpherson" constitution came into effect. The general provisions of the new constitution included a unicameral national House of Representatives which was composed of representatives from the three regional Houses of Assembly. The regional Assemblies were to be elected through an extensive system of electoral colleges. In the West, the election hinged upon twenty-five Electoral Districts, each of which was divided into Intermediate Electoral Districts. These Districts were in turn divided into Primary Electoral districts. At the Primary level, the franchise was extended to all residents of at least one year who had "paid tax" anywhere in Nigeria (Munoz, 2000).Those elected at the Primary Election were joined by the Native Authorities of the Area at the Intermediate Election. Although there was sometimes a parity between the two groups, the elected members usually outnumbered the traditional members. The Intermediate Electorate then elected from among its own members representatives who were sent to the Final Electoral College. The College then selected again from among its members, those who would represent the District in the House of Assembly. The Macpherson constitution not only allowed traditional rulers substantial influence over the selection of the members of the regional Houses of Assembly, it also gave them direct access to government by creating 'Houses of Chiefs in the West and in the North (Reed, 2000). In the North, the House of Chiefs sat jointly with the House of Assembly in the selection of the members of the national House of Representatives. Indeed, one chief, as well as one member of the Assembly, from each province was guaranteed a position in the national House. In the West, the House of Chiefs elected from among its own ranks three members to the House of Representatives.

In addition to their influence over the selection of the House of Representatives, the Houses of Chiefs also played a role in the regional legislative process. Legislation could be introduced In either House, with the exception of money bills which could be introduced only in the Assembly. However, in order to enact legislation the assent of both Houses was required as well as the signature of the Lieutenant Governor (Reed, 2000). If both Houses did not enact similar legislation. then the Lieutenant Governor could call a joint sitting of both Houses-- twenty delegates from each-- which was competent to debate as well as to enact legislation for his signature. Traditional rulers in the West and in the North were represented in three ways under the Macpherson constitution. First they were given direct input into the selection of the members of the regional Houses of Assembly-- at the Intermediate Electoral College in the West and at the Final Electoral College in the North. Secondly, regional Houses of Chiefs were established in both regions which influenced, equally with the House of Assembly, the passage of legislation in the area. Finally, traditional rulers were represented in the selection of members of the national House of Representatives both directly through the participation of the House of Chiefs, as well as indirectly through their influence over the composition of the regional Houses of Assembly (Whitaker, 2000).

After only one year of relative amity and calm, however, the Macpherson constitution broke down under the weight of intense political maneuvering. Faced with a constitutional crisis in both the Eastern House of Assembly and the national House of Representatives, as well as rioting in Kano. British and Nigerian political leaders met first in London in 1953 and later in Lagos in early 1954 to discuss "defects" in the existing constitution and remedies therefore. Participation in the conferences was based for the first time on political parties. The twenty delegates which Nigeria sent were divided among the parties according to their success in the 1951 election. Hence, in the North, the NPC sponsored five delegates and NEPU one, while in the West the Action Group sent five and the NCNC one (Mair, 2008). In the East, the NCNC sponsored four delegates, but only those traditional rulers who were perceive influential were selected because of the believes that they will be able to influence the behavior of the parties and the outcome of the conferences.

The changes which emerged from the London and Lagos conference were adopted in the form of the Constitution of 1954, called the Lyttelton constitution. This constitution was revised once again in 1957, and these final revisions had a profound effect on the constitutional role of traditional rulers in the Nigerian government. By 1957, the constitutional power of the traditional rulers had been greatly reduced both at the center as well as in the regions. At the federal level, the legislature was divided into two Houses, the Senate and the House of Representatives. The Senate was composed of twelve representatives from each region who were appointed by the governor of that region. In addition, the Governor-General appointed two representatives for Lagos while the chiefs of Lagos elected one. The Oba of Lagos was automatically a member. The House of Representatives, on the other hand, consisted of 320 members who were directly elected (Mair, 2008). For the first time, the House of Chiefs played no role in the selection of the members of the House of Representatives.

Members of the House were not allowed to be members of the Senate, nor were they allowed to be members of any regional legislature. As was noted above, the Oba of Lagos was automatically included in the Senate, and most senior chiefs were included in the regional legislatures. Thus, by virtue of being a chief, and hence a member of another legislative house, traditional leaders were de facto prohibited from entering into elective politics (Jones, 2007).

At the regional level, the legislature remained divided between a House of Chiefs and a House of Assembly. In all three regions, the House of Chiefs consisted of senior chiefs who were automatically members and junior chiefs who were appointed by the Governor of the region. In the Northern Region. all first class chiefs and 95 appointed chiefs made up the bulk of the House, while in the Eastern region, the newly created House of Chiefs consisted of all first class chiefs and 55 chiefs appointed by the Governor (Jones, 2007). In the Western region. the House of Chiefs included all Head Chiefs and sufficient other chiefs to bring the total to fifty members. At both the regional and federal levels, the two houses of legislature held similar functions. Either House could introduce legislation which required the approval of the other house. However, the House of Chiefs was no longer of equal competence to the House of Assembly. Both the House of Chiefs and the Senate had the power only to delay money bills by one month and all other legislation by one year. After that time, the House of Representatives or the House of Assembly could override the veto of the Senate or House of Chiefs, respectively (Akpan, 2005). The exception to the above procedure was in the Northern Region, where the House of Chiefs maintained its equal stature with the House of Assembly. When one House passed a bill and the second did not within six months, then the Governor could invoke Special Procedure. Under the Special Procedure, the President of the House of Chiefs presided over a joint sitting of twenty elected members from both houses. This joint sitting could amend bills as well as enact them. The cabinet, or Council of Ministers at the federal level and the Executive Council at the regional level, also provided a role for traditional and appointed rulers. In the Council of Ministers, at least one, and not more than two, of the eleven members were to be from the Senate. In the North, not less than two and not more than four of the eleven were to be from the House of Chiefs. However, the Prime Minister was required to be a member of the Assembly. In both the East and the West, the number of Executive Council members from the House of Chiefs depended upon the origin of the Prime Minister (Ezera, 2004). If he was a member of the Assembly, then the East required two representatives from the House of Chiefs on the Executive Council, while the West required three. If the Prime Minister was a member of the House of Chiefs, then these requirements were reduced by one. Regardless of which House the Prime Minister was a member of, he was required to maintain a majority in the House of Assembly.

Under the 1954 constitution. traditional rulers were provided with a formal role through which they could participate in government. However, it was a role greatly reduced from that provided under the Macpherson Constitution. Senior traditional rulers were excluded from standing for election to the House of Assembly or the House of Representatives by virtue of their automatic membership in the House of Chiefs. At the same time, the standing of the House of Chiefs as a legislative body was lowered so that it was no longer equal to the House of Assembly, but rather one whose functions resembled the House of Lords in Great Britian (Ezera, 2004). The one area in which traditional rulers enhanced their standing was that of the Executive Council where they were specifically included. Under the Lyttelton Constitution. traditional rulers retained a legal position in the governmental structure; however, the position had changed from that of an active and equal role in the formation of policy to a substantially advisory one.

The Lyttelton constitution altered the structures open to traditional rulers first by changing their composition and secondly by adding additional ones. In both the senate and the regional Houses of Chiefs, high ranking traditional rulers such as the Oba of Lagos. first class chiefs, and Head Chiefs were all automatically members, while lesser ranking chiefs were appointed by the Governor. This was also the case under the 1960 constitution; however, all those chiefs who were automatically members became ex officio members. Thus, the senior traditional rulers lost their right to vote in the Senate and Houses of Chiefs, and these houses became controlled by appointed members. The second constitutional change that independence brought for traditional rulers was the creation of two new governmental bodies which advised the regional governments (Munoz, 2000). In the Northern Region. the Council of Chiefs was set up and was chaired by the Premier of the North. The Council had as its members all ministers who were members of the House of Chiefs as well as additional members of the House of Chiefs who were selected according to the issues which were to be discussed. The jurisdiction of the Council was limited to traditional affairs; however, its advice was binding upon the government. Thus, with regard to decisions concerning the appointment, recognition, and approval of persons as chiefs, the grading of chiefs, the deposition of chiefs, and the removal of a chief or an ex-chief from the region; the Council of Chiefs, rather than the Governor, determined policy (Munoz, 2000). The Eastern and Western regions also possessed a new institution in which traditional rulers were allowed to participate, the Minority Councils. The governor could declare any area a minority area which could then set up a Minority Council to advise the government on welfare, development and discrimination within the area. Membership on the Council

was extended to all those members of both the House of Assembly and the House of Chiefs whose constituency lay entirely or partly in the minority area. As the Councils were purely advisory, they could publicize issues, however, they were unable to make policy decisions (Whitaker,2000).

With the coming of independence, traditional rulers saw their positions in the federal and regional legislatures eroded in favor of appointed chiefs. Only in the North was the remains relative the same because of the creation of the Council of Chiefs which was a policy making body. In both the Eastern and Western regions, the new institutions created the Minority Councils, further delegated the traditional ruler to an advisory role. The transfer to republican status under the 1963 constitution altered the position of traditional rulers little, if any at all (Whitaker, 2000). Under this constitution, the British Queen ceased to be Nigeria's Head of State and the responsibilities allocated to the Governor General were transferred to the newly created office of the President. The composition and function of the Senate remained unchanged as did the constitutions of the regions. One of the few specific references to traditional rulers, or chiefs, came under Chapter XII (Miscellaneous), Section 1961 (Prohibition of Certain Legal Proceedings). Sub-section three effectively entrenched to power of the government to grade chiefs by forbidding any court of law from adjudicating a chieftancy dispute. Specifically, the Constitution stated that:

No chieftancy question shall be entertained by a court of law in Nigeria, and a certificate which is executed by an authority authorized in that behalf... which states (a) that a particular person is or was... a chief of a specified grade at a specified time or during a specified period; or (b) that the provisions of a law in force in that territory relating to the removal or exclusion of chiefs or former chiefs... have been complied with in the case of a particular person, shall be conclusive evidence as to the matters set out statement.

At the time of the military coup in 1966. traditional rulers had seen their role eroded from that of being the sole members of the House of Representatives , as was the case under the Richards Constitution to that of being members of a largely advisory body, as was the case under the Lyttleton constitution as well as the Independence and Republican Constitutions (Reed, 2000). Additionally, traditional rulers had seen the process of their recognition change dramatically, from ultimate dependence upon the British colonial administration to dependence upon Nigeria's elected politicians. As the constitutional role of the traditional rulers narrowed, and the role of political parties expanded, the key question became: What role did traditional rulers play in Nigerian political parties?

The Changing Role Of Traditional Rulers Under The 1976 Local Government Reform

In 1976, the Federal Government introduced the local government reforms, which marked a turning point in local government administration in the country. The reforms were the Federal Government's response to the recommendations of the Udoji Public Service Review Commission. The aim of the reforms was to make the local governments more effective in their primary role of bringing development to the grassroots. The reform established a multi-purpose single tier system throughout the country, with the same structure and functions. Local Governments were recognized as a third tier of government within the federal structure (Anyanwu,1996). The 1979 Constitution recognized local government as such thus reinforcing the main features of the reform. The reform of the local government system was not only important and desirable, but it was a crucial element in the political programme of the Federal Government under General Olusegun Obasanjo as Head of State in 1976. The reforms were initiated because of the inherent defects of the previous local government system practiced under the military between 1968-1975. In the Forward to the Guidelines for Local Government Reforms (1976) the Chief of staff, Supreme Headquarters, Brigadier Shehu Musa Yar"Adua elaborated on these defects when he said: Local Governments have over the years suffered from the continuous whittling down of their powers. The State Governments have continued to encroach upon what would normally have been the excusive preserves of Local Government. Lack of adequate funds and appropriate institutions had continued to make Local Governments ineffective and ineffectual (Gboyega,1987). Moreso, the staffing arrangements to ensure a virile local government system had been inadequate. Excessive politicking had made even modest progress impossible. Consequently, there has been a divorce between the people and government institutions at their most basic levels. The reform of the local government was intended to stimulate democratic self government and to encourage initiative and leadership potential, as well as the mobilization of the human and material resources for local development.

Furthermore, before 1976, there was no uniform system of local government administration in Nigeria. Although, there were spirited attempts made to carry out some reforms in the local government system, these attempts were uncoordinated and haphazard. The 1976 reforms introduced a uniform system of local government administration throughout the country. The reform was a major departure from the previous practice of local government administration in Nigeria. The philosophical basis of the reform lies in the conviction that a strong local authority with clearly defined functional responsibilities in a power-sharing relationship with the states is an institutional safeguard against tyranny. Following the 1976 reforms, local government became recognized as a tier of government entitled to a share of national revenue consequent on its constitutionally

allocated functions (Imuetinyan 2002). The provisions of the 1976 reform document were incorporated into the 1979 Constitution of the Federal Republic of Nigeria. Section 7(1) of the constitution provides that "the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils" Constitution of the Federal Republic of Nigeria (1979). This showed that local authorities were creatures of the state and their relevance, strength and degree of autonomy were subject to the state government's control (Iyoha 1997). The fact is that the 1976 local government Reforms introduced a uniform local government system. Specific functions were allocated to the local government. This did not only widen the functional scope of the local government, there was also an attempt at a decentralization that ensures that appropriate divisions of functions exist between the State and Local Governments and that local authorities thereby play a significant role in the development process" (Oyediran, 2001: 197). In effect, while the supervisory role of the state was retained, there was some attempt at a clear delineation of space that was meant to enlarge the functional autonomy of local authority.

While the 1976 reforms was an attempt at a radical departure from what exist during the colonial and early independence period, yet, the reform failed to address the role of traditional institutions in grass root governance. As a consolation, the traditional institutions were given only advisory role that are not even enforceable. The fact is that the 1976 reforms attempted to democratize the local as a tier of government, increase its autonomy in terms of functions and financial base. But as suggested above, these innovations did not go uncontested by state governments which saw these innovations as a threat in many ways. as is evident in the present local government system, the state government have continued to influence the functions of local government. Even the traditional institutions are not left out of the control of the state government. The practice is that a traditional institutions is only recognised after the state government has given out staff of office. This scenario further undermine the traditional institutions and the role in governance. it equally goes to show why the traditional institutions often dance to the whims and caprices of the state government.

The roleof traditional institutionsin contemporary governancein nigeria.

Although, it is a truism that traditional institutions no longer enjoy their once exalted position as was the case during the colonial era, yet, it has often been fallaciously stressed that traditional institutions is facing a crisis, or is undergoing struggles for relevance and survival in contemporary Nigerian politics. According to Adesoji, (2010), the reflections of the stress of the traditional rulers in contemporary Nigeria are personal humiliation, salary cut, salary stoppage, restriction, suspension, banishment, dethronement and murder. However, it can be categorically stated here that all these indices are not unique to traditional institutions alone but are general phenomena affecting all classes of Nigerians in contemporary time. Thus, the position here is that the traditional ruler ship is not facing any crisis of relevance or survival in contemporary Nigeria. This is because it has always been relevant and has survived a lot of organized efforts to scrap it completely.

Traditional institution is very relevant in contemporary Nigeria but what it is clamoring for is constitutional role and recognition. The fact that traditional institution does not enjoy constitutional recognition or responsibilities does not mean that it is not relevant or that it has outlived its importance. What is happening to the traditional institutions in contemporary Nigeria is just a manifestation of our inability to fashion out suitable political system that will reflect our social, economic and political realities as against the colonial and military imposed political structures of the colonial era and post-independence period respectively. Despite this, traditional chieftaincy institutions and traditional rulers have continued to exercise considerable influence and play active role in the political administration at all levels of government in Nigeria albeit informally.

In the first instance, traditional rulers in Nigeria play important role in the choice and emergence of electoral candidates in contemporary Nigeria in spite of their non-affiliation to any of the political parties. During the electioneering processes, political aspirants troop to palaces of traditional rulers in their communities to receive royal blessings and endorsements. As fathers to all, traditional rulers give royal blessings to all the aspirants that come to them because they all come from their domains and whoever emerges also receives the supports of the traditional rulers. Our argument here is that traditional rulers still command great respect and awe among the people of Nigeria and these accounts for their patronage by political office aspirants in the build up to elections and electioneering processes. Examples of this abound in the various parts of Nigeria during state and local government elections. Even, at the federal level, presidential aspirants endeavour to visit and get the royal supports of first class traditional rulers across the country.

In the same vein, political office holders in Nigeria endeavour to enlist the support of traditional rulers in order to legitimizing their reigns and tenures. It is a common sight in all parts of Nigeria to see the presidents; state governors, senators and other highly placed political office holders pay homage to traditional rulers as the first point of call during tour of any part of the country. This recognition of the fact that traditional rulers are a major force in the legitimization of political regimes has been acknowledged by both military and civilian regimes in Nigeria and this accounts for the great patronage of the traditional institution by successive governments in Nigeria in spite of lack of constitutional role for it. Even the greatest critics of the traditional

rulership in Nigeria would agree that they remain the closest governments and most effective mobilizers of the people at the grassroots (Emordi and Osiki, 2008). Ajayi (2008), rightly noted that it is in the realization of this fact that traditional rulers remain the focal point of the people's collective aspirations that governments at all levels always want to identify with traditional institutions in Nigeria. Basically, our argument here is that if traditional rulers still play critical role in the electoral processes such as emergence of political leaders and legitimization of tenures, then it would not be correct to say that chieftaincy institution is facing crisis of relevance in contemporary Nigeria. The only problem with the institution is that it is not enjoying any constitutional backing or role and this has been its major challenge since the end of the First Republic (Emordi and Osiki, 2008).

Challenges confronting the traditional rulers in governance in Nigeria.
Under the 1999 Constitution, it is obvious that local governments should play a leading role in the emergent order, as traditional rulers are still vital to the attainment of economic progress and political stability at the local level. The continued relevance of traditional authorities to the local government system in contemporary Nigeria as Egwurube (1985:34) rightly noted may be attributed to the following reasons. First, participant political culture among the majority of the citizens, especially in rural areas is still dormant. Second, traditional authorities are still legitimate in the eyes many people. Third, attempts to institutionalise alternative local leadership structures in modern, stable and elected local government institutions, that would eventually receive the overall acceptance of the citizenry, have largely failed. Thus institutions which essentially have a local base must complement the efforts of each other for effective governance at the local level.

To ensure that this is achieved, efforts have been made to state the working relationship between traditional authorities and local government in the country. In spite of this, there are frictions, and the peaceful co-existence between both institutions is very much in doubt. Two major reasons are given. First, traditional rulers, especially those who were very powerful in the past, are disillusioned with the present political arrangement, which assigns them only nominal advisory roles in local government affairs. A number of traditional rulers have expressed their concern in seminars and conferences on traditional authorities and local government relations. Prominent traditional rulers such as the Oba of Benin and the Alafin of Oyo have vehemently expressed their dissatisfaction with how traditional institutions and their rulers have been relegated to the background over the years (Amadi 2007).

Unsurprisingly, concerted efforts by traditional rulers to enhance their role in the local government and macro-political affairs have pre-occupied them more than anything else. This posture has greatly affected their interest in and contribution to the effectiveness of local government under the present dispensation. Second, there is a great deal of insensitivity amongst modern elected local government councillors to the ego of tradition rulers. Even though they are assigned advisory roles, relevant provisions are not fully respected. Legislation in the former Bendel Sate (now Edo and Delta States) specifies the role of traditional councils at local government level − Section 47 of Part VIII of the *Traditional Rulers and Chiefs Edict, 1979 specifies* the following functions: a) Formulation of general proposals by way of advice to the Local Government or to all local governments in the area. b) Harmonisation and co-ordination of development plans of such local governments by joint discussions and advice. c) To assist in the maintenance of law and order (Bendel State of Nigeria, 1979).

Under the same Edict, the Secretary to the local government is also required to furnish the President of the Traditional Council with copies of all meeting minutes of the Local Government Council, copies of all agendas, memoranda and other documents and information as would enable the President to be fully conversant with proceedings of the Local Government Councils. The President also has the privilege of inspecting all books, including minute books of the Local Government Council or Councils where there are two or more local government councils under his jurisdiction, to enable him obtain sufficient information for full discharge of the functions conferred on him under the Edict.

The traditional rulers have complained on many occasions that, because the role envisaged for them under the Edict is advisory, local government administrators see the implementation of these provisions as inconsequential and an unnecessary burden. This situation has further alienated traditional rulers from the activities of local governments, with varying results. Some traditional rulers have cited shabby treatment by elected local government functionaries as justification for their lukewarm attitude in performing their advisory role in their local government areas (Amadi 2007). In addition, modern local government actors themselves seem to portray any role of traditional rulers in governance as an unnecessary burden. This is all the more disturbing as a huge amount of public money is spent by state and local governments on the Traditional Councils all over the country. As much as five percent (5%) of the statutory revenue of local government areas are mandatorily required to be remitted to traditional councils for their upkeep. This guaranteed source of funding of traditional authorities was put in place when the military regime under Sani Abachi decreed it in 1995 (Aiyede 2003; Akinwalere 2003:31). However, most state government often manipulate the mandatory 5%

allocated to traditional institutions. in many cases, the government often failed to pay these stipends to any traditional institutions who they perceived as unsupportive of their government. in these sense, many traditional rulers are forced to compromise and dance to the dictates of the government in power. This situation has often made traditional rulers to be a stooge of government instead of an institution that should command respect and dignity.

Another percieved challenges confronting the traditional institutions is the provision of the constitution. Section 7(1) of both the 1979, 1989 and 1999 Constitutions guaranteed a system of local government by democratically elected local government councils and as such does not envisage any active role for personalisedinstitutions in the operation of local government. Part II of the Fourth Schedule of the 1989 Constitution (the 1999 Constitution has no provisions in this regard) set out the functions of a Traditional Council at the local government level. The second clause the Schedule clearly states that '*nothing in the schedule shall be construed as conferring any executive, legislative and judicialpowers on a Traditional Council'*. The chances that the Constitution will be amended to reflect the political enhancement solution are very slim. The high degree of legitimacy traditional rulers enjoy in the eyes of the citizenry is based on the belief that the institution of traditional rulership is a sacred one. Subjecting traditional authorities to rigors of the electoral process and petty politics society would make them a target of public scrutiny, and would destroy their sacredness thereby destroying their major source of strength. While the intention is to carve out a prominent role in local governance for traditional authorities, their strategy may in fact lead to the collapse of the institution of traditional rulership in the country.

III.   CONCLUSION

This paper has given an historical account of the changing role of traditional rulers and governance in Nigeria. The central argument of the paper is that the continued relevance of the traditional rulers in contemporary Nigerian politics is an indication of the resilience of traditions to the influences of modernity. Essentially, traditional rulers do play active roles in the emergence of political leaders as well as the success of successive governments in contemporary Nigeria at all levels local, state and federal. This is in spite of their lack of constitutional recognition or specific constitutional roles. This study holds that it is fundamentally wrong for people to say that traditional rulers are facing crisis of relevance or recognition in contemporary Nigeria as often emphasized by some scholars because no administration in Nigeria has ever completely overlooked traditional rulers. They have always been relevant and recognized, albeit the study noted that despite the importance of traditional rulers, the institutions has also be inundated with numerous petty problems that has dent the image of the age long institution. These problems includes: tussle for leadership among traditional rulers in the Council of Traditional Rulers, involvement in partisan politics for personal gains and lending support for the reigning governments whether civilian or military. Moreover, traditional rulers in Nigeria are fond of bestowing traditional chieftaincy titles to wealthy and affluent people in the society who have not made any significant contribution to the growth and development of the society for their personal aggrandizement and material benefits. As argued in the paper, all these and other criticisms of the institutions has continued to undermine the traditional institution often respected as the fulcrum of the peoples culture and values.

IV.   RECOMMENDATIONS

Based on the findings of the study, the following recommendations were outlined.
I.   In Nigeria, traditional rulers still record a high degree of legitimacy in the eyes of the people. There remains the need to integrate the institution into the country's contemporary local government system. Political and economic development would be more successful when rooted in widely shared institutions and cultural values which traditional authorities represent.
II. It is recommended that a constitutional role be assigned to the traditional institutions not only because they are the closest to the grassroots but also because traditional chieftaincy institution is a permanent feature of Nigeria's body polity.
III. The middle–path in the continuum between the abolitionists and the political enhancers is the *retentionist* school of thought, which favours retention of the traditional authorities as participatory local government actors in advisory and non-executive capacities. The adoption of the retentionist strategy it is observed would not only ensure stability and continuity of emergent local government system based on democratic and participatory principles, but would also tap the strength of traditional authorities in the sphere of citizen mobilisation and acceptance of local government policies. This involvement of traditional rulers in local government affairs, in addition to their other ceremonial functions, would reduce potential acrimonies and confrontation between local government actors and traditional authorities.

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