

THE ROLE OF TRADITIONAL INSTITUTIONS IN THE  
NEW DEMOCRATIC DISPENSATION OF NIGERIA

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## **THE ROLE TRADITIONAL INSTITUTIONS IN THE NEW DEMOCRATIC DISPENSATION OF NIGERIA.**

Contemporary political observers in Nigeria today are sharply divided in their opinions as to the role traditional institutions should play under a democratic dispensation.

One group sees traditional institutions as key players in the maintenance of peace and harmony within their respective domains, and therefore their participation in the transformation of society becomes a necessity.

Another group argues that traditional institutions today have lost their relevance, hence their retention and or participation in government is in direct conflict and inconsistent with modern democratic process.

In an effort to understand the positive and negative contributions of traditional institutions in our socio-political development, we should not only confine ourselves to the general definition of what constitutes Traditional Institution but also its functions and complex structure.

### **DEFINITION**

There are several definitions as to what is a Traditional Ruler; for the purpose of this paper the term "Traditional ruler, Traditional Authority, and Traditional Institution" means the same thing. However for the purpose of clarity, a traditional ruler is a person who by "virtue of his ancestry or any other circumstances occupies the throne or stool of an area, and has been appointed to it in accordance with the custom and tradition of the area, and has ethical and moral jurisdiction over its people"

### **FUNCTIONS AND STRUCTURE**

It is not possible within the scope of this paper to give detailed functions and structure of Traditional Institutions in the Northern States as every culture and or geographical area has its unique characteristics based on the needs of its society. What I will attempt to do is to provide a simple graphic function of the different segments that make up the pre-Colonial Traditional Institution in Kano. There are some variations from one emirate to the other, but one can generalize the titles carry similar meanings and functions.

### ***The Emir***

Is the Amirul Al-mu'umineen Commander of the faithful whose authority and influence transcends all levels of society. To carry out his duties to God and humanity he has to work with the "Shura" or council in the policy formulations and with "majalis" in the execution of such policies.

### **COUNCIL OF KINGMAKERS**

*The Waziri [Prime Minister]*

*The Makama [War front commander]*

*The sarkin Bai[Rear commander]*

*The Madaki [Caverlary commander]*

*The Sarkin Dawakin Tuta [Flag commander]*

*The Chief Imam [Spiritual leader]*

### **JUDICIAL AND LEGAL COUNCIL**

*The Wali [Legal advisor]*

*The Alkalin Alkalai [Chief judge]*

*A Learned Ulamah [versed in Sharia]*

### **ADMINISTRATIVE ADVISORS**

*The sarkin shanu [Animal Health]*

*The Magajin Raft [Water Resources]*

*The Matawalle [Finance]*

*The Sa'i [Revenue]*

*The Turaki [Treasurer]*

*The Barde- Kereriya [Industry and mining]*

*The Dan Masani [Information]*

*The Jarmai [Head of Infantry]*

*The Sarkin Fada [Palace Administration]*

*The Falaki [Astronomy]*

*The Dokaji [Police]*

*The Yari [prisons]*

*The Ma'aji [Banker]*

*The Barde [Brigade commander]*

*The Magajin Mallam [Education]*

*The Dallatu [Security matters]*

*The Marafa [land and Agricultural Resources]*

*The Dan Maliki [Scribe]*  
*The Dan Sarai [commerce]*  
*The Dan Amar [Diplomacy]*  
*The Dan Isa [Immigration]*

## **PRINCES**

*The Galadima [Senior Prince]*  
*The Wambai*  
*The Dan Iya*  
*The Chiroma*  
*The Tafida*  
*The Sarkin Dawakin Tsakar gida*  
*The Dan Makwayo*  
*The Dan Darman*  
*The Dan Lawan*  
*The Dan Buran*  
*The Yarima*  
*The Dan Kadai*  
*The Dan Maje*  
*The Dan Ruwata*

## **SENIOR SLAVE TITLES [Each has specific responsibilities]**

*The Shamaki [Brigade of Gurdy officer) has nine senior staff*  
*makaman shamaki*  
*Barden shamaki*  
*Madakin shamaki*  
*Galadiman shamaki*  
*Turakin shamaki*  
*Barwan shamaki*  
*Jarman shamaki*  
*Sarkin barga*  
*Sarkin ruwa*

*The Dan Rimi [In charge of women affairs] has five senior staff*  
*Makaman Danrimi*  
*Madakin Danrimi*  
*Barden Danrimi*  
*Chiroman Danrimi*  
*Dan sarari*

*The Kilishi [In charge of Accommodation and feeding] has five senior staff*

*'Santali*

*sarkin figini*

*Kasheka*

*Nama Daki*

*Sarkin Buzu*

*The Majasirdi [In charge of Horses and saddler] has seven senior staff*

*Mai Dawakai*

*Sarkin zage*

*Sarkin surada*

*Sarkin Hawa*

*Madakin Hawa*

*Ciroman Hawa*

*Dan Muri*

*The Sarkin Hatsi [In charge of grains and farms] has three senior staff*

*Sarkin gona*

*Mabudi*

*Sarkin Rumbuna*

*Sarkin Baki [In charge of guests] has two senior staff*

*Marhaba*

*Mahuta*

*The Sallama [In charge of Domestic affairs] has three senior staff*

*Ciroman Sallama*

*Turakin soro*

*Madakin Sallama*

*The Barwa [In charge of armory] has seven senior staff*

*Garkuwa -Shields*

*Sarkin lifidi -heavy armory*

*Sarkin sulke -chain mail*

*Sarkin Baka -bows and arrows*

*Maitafari-musketeers*

*Sarkin Takubba-swords*

*Sarkin masu -spears*

*Sarkin Zagi [In charge of transport logistics] has seven senior staff*

*Galadiman zagi*

*Masun zagi  
Ciroman zagi  
Makaman zagi  
Madakin zagi  
Wazirin zagi  
Dan isa zagi*

*The Sarkin Dogarai [In charge of Security] has six senior staff  
Galdiman Dogarai  
Makaman Dogarai  
Wamban Dogarai  
Ciroman Dogarai  
Barden Dogarai  
Wazirin Dogarai*

*The Sarkin Kagira [In charge of welfare] has four senior staff  
Galadiman kagira  
Ciroman kagira  
Barden kagira  
Madakin kagira*

*The Sarkin Laima [In charge of umbrella] has two senior staff  
Madakin Laima  
Ciroman Laima*

*The Senior Social Entertainers*

*Sarkin Busa  
Sarkin Tambura  
Sarkin Kakaki  
Sarkin Jauje  
Sarkin Algaita  
Sarkin Banga  
Sarkin Kuge  
Sarkin Magana  
Sarkin Kotso*

*Female Slave Titles*

*The Uwar Soro [Head of house hold administration]  
The Mai Soron Baki [Guests welfare]  
The Uwar Waje [Environmental matters]  
The Mai kudandan [Stores]  
The Yar Daka [Cooks]*

*The Jakadiya [Messenger]*  
*The Zabiya [Entertainments]*  
*The Mai soron Bai [Emirs welfare]*  
*The Matan fada [Women Welfare]*

*House Hold*  
*Mai Babban Daki [Queen Mother]*  
*Mairan [Senior Princess]*  
*Matan Sarki [Wives]*  
*Kuyangi [Concubines]*  
*Babanni [eunuchs]*

Having attempted to give a brief definition and functions of what constitutes a traditional Institution, we can easily conclude that the narrow definition provided above does not fully describe the institution. It is indeed a complex structure of government that transcends all levels of society. Its socio-economic and political influence cut across from the emir to the grassroot through an intricate network of Masu Sarauta, [Hakimai, Digatai, Masu ungwanni], and sarakan Sana'a [Sarkin fawa, Sarkin Aska, Sarkin Ruwa, Sarkin Hatsi, Sarkin Noma, Sarkin Makera, Sarkin Daji, Sarkin baki, Sarkin Tafarki, Sarkin Kasuwa, Sarkin Tike, Sarkin Kida, Sarkin Malamai, Sarkin Shanu, Sarkin Samari,] etc. This network more than anything made the institution extremely resilient.

## **HISTORICAL DEVELOPMENTS**

### **THE SOKOTO CALIPHATE**

“A kingdom can endure with unbelief but not with injustice

Shehu Usman Ibn. Fodio's revolution was aimed at creating spiritual development based on justice; where these could not be achieved through persuasion, Jihad became the only option to achieve compliance for total eradication of evil practices.

Hausa Empire before the revolution had more than its fair share of oppressive rulers, whose immorality encouraged corruption at all levels. Women and Child abuses were re-enforced by slavery at unprecedented and alarming proportion.

Shehu Usman Ibn Fodio and his students took it upon themselves as a sacred duty to liberate the Ummah from the evil society they live in. A war therefore was waged against the oppressive rulers who defy Allah's law of natural justice and fairness.

For several decades, many peasants under the Caliphate enjoyed relative peace, security and justice. They were able to trade freely without fear of being enslaved in the next village or town. The rapid extension of the empire throughout Northern Nigeria and beyond; brought about administrative lapses in the many sub-units. As the administration became localized, supervision of its affairs became less effective, and the leaders degenerate into corruption and extortion. The colonial adventure of the early part of the 20th century was therefore received by public majority as a great relief; hence cooperated fully with the wishes of the powerful {Nasara}.

## **COLONIAL PERIOD**

"The most hated and remote from God is the tyrannical ruler"<sup>2</sup>

The colonial administrators found the Emirate system of administration similar to Mongol India and therefore quite convenient for a system of [Indirect Rule where the Emirs will be allowed some power over their subjects in matters of local concern.

The nomenclature of Emirate ship was changed to Native authority to give it a National outlook. Initially, the system served the colonial administration's socio-economic interests in many ways and therefore was reluctant to introduce any change that will alter the status co. Having realized the over dependence of the colonial officers, the native authority officials continued to exert more power and influence to the disadvantage of their masters. The political and economic independence of the post world war n period granted to the Native Authorities, resulted in gross abuses that led to the deposition of several Emirs and Chiefs and the re-definition of their roles. In Zaria province the political setting was that the provincial administration mediates between the Native Authority and the Government.

"The resident as the Chief administrative officer is required to carry out his duties only through the Native Authority on all matters affecting the well-being of the indigenous population. In his relation with the Native Authority he is expected to use advice and persuasion to secure compliance with government policies in the management of their finances; the administration of justice and all other functions of local government assigned to them"<sup>3</sup>

The Native Authority administrations in some cases used the instrument of the Police, prison and judiciary to achieve political or economic goals. The growing dissatisfaction locally and political conditions in post war Europe led to the

emergence of a new political elites both within the Native Authority establishments and colonial administration. A pressure group comprising young colonial officers was formed in Zaria with the sole aim of influencing changes in the administration of Native Authority. Their actions eroded some of the powers of the Native Authorities and subsequently that of the Emirs.

### **SELF GOVERNMENT/ INDEPENDANCE TRANSITION PERIOD**

"A governor is not the owner of his province, whereby the land becomes his personal property which, he can give to whom he pleases and deny it to whom he wishes"<sup>4</sup>

Self-government and independence brought about substantial number of educated elites into position of power. While some are sympathetic to traditional institutions; great number are either opposed to the way and manner the Native Authorities are run or totally out of favor for its retention.

These counter elites constituted greater majority in the opposition parties like the NEPU/MZL/UMBC/BYM, and to a lesser degree some members of the ruling conservative party the NPC. The first greatest challenge to Native Authority system was the provisions in the McPherson constitution that brought about major political changes under the Native Authority provisions.

A motion presented to the House of Assembly in 1950 by Hon. Abubakar Tafawa Balewa called for thorough review and overhauling the Native Authority system, which was said to harbor corrupt officials; Total disregard of the needs and wishes of their subjects; through Lack of delegation of responsibilities to the district and village councils. The motion seeks clear definition of the functions of Native Authorities. The motion received substantial support, which led to the establishment of a committee to re-organize and harmonize the functions of Native Authorities.

Subsequently, In Zaria province, eight divisions were created [Administration, Judiciary, Finance, Police, Prisons, Works, Natural resources, Education, and Medical/Health]. Each of these divisions were handed by a full time councilor. Under each division, relevant departments were created headed by full time head of department. The absence of a coordinating unit made the workings of these reforms ineffective. The departmental heads refused to yield to the wishes of the councilors and subsequently call for further review of their functions. The office of Executive Secretary to the council was introduced to coordinate the workings of the various divisions. These reforms further triggered more agitations from Southern Zaria for self- determination. In 1953 the minister of local government read in the house a

petition from the elected representatives of Southern Zaria for a greater control of their affairs. While the premier Sir. Ahmadu Bello was sympathetic to their cause, both the Provincial Administration and the Zaria Native Authority were trying to defend their roles as unbiased custodians of the peoples welfare.

The District officer in-charge Mr. K.J. buoyant dismissed their petition as politically motivated to discredit his achievements in education, which was above the Northern average. Although the provincial administration and Zaria Native Authority were reluctant to accept complains of marginalization, the Premier Sir Ahmadu Bello was convinced that their petition has merit and ordered the provincial administration to decentralize the functions of Zaria Native Authority to give greater control to the four Districts of Jema'a, Kwoi, Maro'a, and Kagoro. He worked with the elected representatives of Southern Zaria particularly with Mr. Dauda Kwoi to bring about the needed reforms. Unfortunately, the military coup of 1966 brought about the end of the reforms.

### **MILITARY RULE**

“The Military Government did not come to power by leave of any political party or any section of the elected Government, and must not be treated as such. It is a corrective Government designed to remove the abuses of the old regime and to create a healthy community for return to civil Government”<sup>5</sup>

The coup de-tat against elected government in 1966 by a military junta led to major political changes in the country's administration and subsequent erosion of the administrative powers of the Native Authorities.

The control of Police, Prisons and Judiciary was transferred to federal government, while the remaining administrative functions of the Native Authority were vested in the area councils, and subsequently to Local Government councils.

Three area councils (Zaria, Saminaka and Kachia) from Zaria province were created, based on the cultural affinity of the districts; and therefore thought to pacify political agitators and ease administrative difficulties. Although the area councils received reasonable funding, their successes were hampered by lack of full autonomy to employ own staff.

### **TRADITIONAL RULERS AND THE MILITARY**

Despite all assurances by the Military Government to consult with the Traditional Rulers in bringing about changes that will temper with their role or status, they

passed a decree in 1976 known as Local Government reforms decree with minimal inputs from Native Authorities. The decree gave local governments' full status as the third tier of Government. The principal aim of the Local government reform was to achieve the following goals as stated by the decree.

1. To make appropriate services and development activities responsive to local wishes and initiatives.
2. To facilitate the exercise of democratic government close to grass root society
3. To encourage initiative and leadership potentials.
4. To mobilize human and material resources.
5. To provide two-way channel of communication between the Government and local community. Clearly, Government intention was to totally eliminate all spheres on Native Authority control and to pitch it against the local community. What they failed to recognize was the depth of social control of the Native Authority system through the instrument of Masu sarauta and sarakunan Sana'a supported by great majority of the grass root society owe their allegiance and survival to the Traditional Institutions not any instrument of the local Government.

## **SECOND REPUBLIC**

"A ruler should not be a burden to his community, he should serve their religious and temporal interests. "6

The 1979 constitution adopted all the provisions of the 1976 Local Government decree putting the final nail in the coffin of Native Authority system in democratic Governance. However, as a conciliatory gesture the constitution recognizes [The state council of chiefs] as an advisory body. The Emirs and Chiefs were therefore protected by the constitution from political exploit. It requires 2/3 majority in the state legislature and the governor's consent to remove any Emir or Chief from office as a member of state council of Chiefs. The 1989 and 1995 constitutions though never been adopted, made some far reaching attempts to assign specific responsibilities to the Traditional Institutions in realization of its tremendous contributions to peace and security of the Nation.

The 1999 constitutional amendments by the outgoing military rulers deleted every provision in the constitution that makes any reference to Emirate or traditional councils or state council of chiefs. This has gained the full support of some political elites who were unhappy with the roles some key traditional rulers played in the

Abacha regime. Serious speculations by the general public centered on the real intention and or purpose of the fourth republic rulers. One view is that the last military regime of Abdulsalami Abubakar was under great pressure from foreign Governments to dismantle the Institution; The other view is that they have acted with full consultations with the current leaders to reduce the power and influence of Traditional Institutions as a pre-requisite to a lasting democracy in Nigeria. Whatever the rational the vacuum created gave some state governors a useful political tool to manipulate the institution to their political advantage.

However, regardless of the intention, the contemporary traditional Institution has evolved from its stereo-type conservative outlook, to a highly progressive institution that has attracted seasoned intellectuals and professionals, whose enormous experience the Nation could not afford to miss.

## **WHAT IS THE FUTURE**

### **CUSTODIANS OF RELIGIOUS AND CUL TURAL VALUES**

The complementary nature of Democracy and Peace makes it very unlikely that the Traditional Institution will seize to be influential in the governance of this great country. However, in the absence of any constitutional provision protecting the Traditional Institution; it has become necessary for every traditional ruler to trend with uttermost caution and use his innate intelligence to curb out a role for himself if he is to remain relevant within his domain. This could only be achieved through the fulfillment of the following obligations.

1. Spiritual obligations [serve God]
2. Civil responsibilities [serve government]
3. Civic responsibilities [serve community]
4. Administrative duties [work with council]

### **SPIRITUAL OBLIGATIONS**

"If God wishes good to a community, he gives them a leader who will look after their affairs."<sup>7</sup>

The fear of God does not only entail visible and outward proclamations. It is from the heart followed by actions. No person will be said to have fear of God if he engages in criminal activities that will lead to the killing or inflicting any pain to a

fellow human being without taking due judicial process. To fulfill our responsibilities to God as leaders of our communities, we must be *JUST* in our decisions; *KIND* and *SYMPATHETIC* to our subjects; *MODEST* in our behavior; and *GENEROUS* to the weaker members of our communities.

### **RESPONSIBILITIES TO GOVERNMENT**

"An amir should be gentle, forgiving, and refrain from anger, be inclined to generosity, patience, courage and tolerance if he is to remain a leader. "8

As a public servant the traditional ruler has a very important role to play in the governance of his people, particularly in the maintenance of peace and order through effective non-bias conflict management. Any leader that allows his community to become a battlefield would one day be consumed by it. He has to be non-partisan in matters affecting the peace and security of his people. He must dedicate his life in the promotion of justice in his domain; and be accountable for his actions if he is to maintain any dignity in the public eye.

### **RESPONSIBILITIES TO THE PEOPLE**

"All administrators in the world are like mud (over which spring water flows). If the spring is pure, the dirt of the mud will do no harm; but if the spring water is polluted, the purity of the mud is of no advantage"9

Every community expects from its leaders certain basic protections and services. The more sophisticated the community, the greater the expectations. The most common needs of any community are rooted in their socio-economic values, but human needs and desires are universal in all societies. It is therefore necessary to instill in our communities the values of social justice, protection of individual privacy and inter-group harmony.

### **RELATIONSHIP WITH TRADITIONAL COUNCILS**

"A person, who seeks advice, verifies his own opinion; If he is less knowledgeable, he learns an opinion from the person he consulted"10

Many a times rulers tend to overlook the importance of consultations in matters affecting the lives or welfare of their subjects. For any leader to succeed, he must open his mind to other people's ideas. That is the essence of traditional council.

## **FINAL THOUGHT**

"We must be our personal examples of discipline, integrity and modesty, inspire the confidence of our people with fairness and justice"<sup>11</sup>

The emergence of anti-traditional institutions, which began after World War II has reached its anti-climax in 1999, where some political elites in association with some military elites took revenge on the institution. What they failed to take away is the tremendous support the institution enjoys from the grass root, because its versatility cuts into their socio-economic lives. Conflict in it self is not necessarily a bad thing; It is part of human development and growth. In a conflict situation neither the military nor the politicians can effectively control with out the intervention of the Traditional Institution. Luckily, Several state governments in the North have identified these potentials and inherent contradictions; by giving the institution a role in the maintenance of peace.

I would like to close this paper with a quotation from President Olusegun Obasanjo to the national advisory council on education for citizenship in 1978.

"A major cause of the ills of our society is the sandy and shaky substratum on which we have tried to build our society through the colonial days by discarding the good part of our Traditional Society"

## **FOOTNOTES**

1. Shehu Usman Ibn. Fodio - (Bayab wujub al-Hijra ala-al-Ibadat)
2. Sultan Muhammadu Bello - (Usul al-siyasa)
3. Dr. A. D. Yahaya - (Native Authority system in Northern Nigeria]
4. Abdullahi Fodio - (al-Hakkam)
5. A statement of [Supreme Military Council] June 8,1966
6. Abdullahi Fodio - (al-Hakkam).
7. Sultan Muhammadu Bello - (lfadat al-Ikhwan)
- 8 Ibid. - (usul al-Siyasa)
9. Ibid. - (usul al-Siyasa)
10. Shehu Usman Ibn. Fodio - (Bayan wujub al-Hijra ala-al-Ibadat)
11. Murtala Ramat Muhammad - (Selected Speeches)