TRADITIONAL RULERS AND ALTERNATIVE DISPUTE RESOLUTION: A CASE STUDY OF ETINAN LOCAL GOVERNMENT AREA, AKWA- IBOM STATE, NIGERIA

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Abstract

Traditional Institutions in Africa was once held in high esteem by African societies. The Institution based on the pedigree of the traditional leaders was known for the preservation of cultural values, maintenance of law and order and effective conflict resolution in their respective domain(s). They are trusted to give sound judgment and justice that is not legally or judicially bias. The advent the introduction of the 1976 Local Government Reform crippled the well-defined and hallowed system of Tradition in Nigeria which was using alternative dispute resolution to ensure that peace reigned in their domains. This is based on the perception that Alternative Dispute Resolution through mediation is a viable instrument for dispute settlement by the Traditional Rulers in Etinan. Therefore, this study seeks to investigate Alternative Dispute Resolution Techniques used by Traditional Rulers in Etinan Local Government Area of Akwa Ibom state, Nigeria. The population of the study are men and women from the Local Government Area while the sample size (50) was purposively selected for the study. A self-structured questionnaire was used for data collection. Interviews were conducted with key informants. Journals, archival materials, and internet articles were used to affirm certain facts that traditional rulers uses Alternative and negotiation techniques for dispute resolution through mediation process. The study reveals that traditional rulers employs the use of Reconciliation, Mediation, and Litigation to resolve all forms of conflict. However, Litigation is used when conflicting parties are not satisfied with the outcome of the mediation process. It was also revealed that the use of Personal Data of Spouses and Close Kinship is another form used to resolve conflict in Etinan. The paper recommends that asides traditional rulers, mediators and the society at large should adapt the use of Alternative Dispute Resolution dispute settlement at all levels and devoid of court proceedings.

Keywords: Alternative Dispute Resolution, Etinan, Traditional Rulers.

1.0 Introduction

The birth of any Institution is for the service to mankind. When this is not achieved, we can boldly say that it has not fulfilled its core mandate to the society. An institution is defined as a formal and structural organisation with a specific and targeted objective to accomplish a set goals and with the intention to meet the request and needs of the citizens associated with that Institution.

Traditional Institutions have been in existence from time immemorial. It is an institution imbued with values, virtues, morals, traditional and cultural norms, mapped out by our
forefathers as a sign post for continuity for the next generation. These values were preserved through artistic performance to bring life and meaning to the hearers for understanding as the traditional norms were not documented, rather they were unwritten laws written and imprinted in the hearts of the people as a guide to the people and generation unborn. Such condiments include folklores, rituals, stories, myths and legends or songs from generation to next which in turn breed order, development, peace and stability in these localities. Traditional Institution were seen as the judicial system of dispute settlement without the interference of legal procedures which settles conflict amicably based on a win-win process. The institution does not exist in itself as it has people who are carefully selected by the elders to direct and manage the affairs of the designated localities they are assigned to.

In the Pre-colonial regime, Traditional Rulers were the custodian of peace, cultural values, and norms of the society. The cultural values and virtues were strictly preserved by our Traditional Institutions. These values formed the central force where power, governance, influence and authority are exercised by the Traditional Rulers to their subordinates. Before the emergence of the Europeans who came to hijack our values and culture to suit theirs, Traditional Institutions was(were) the only pointer of governance which played key roles in the community and society at large, especially in the implementation of government policies at the grassroot level. Traditional Rulers were responsible as custodians of communal assets and customary law, guardians and symbols of cultural values and religious practices, giving sound judgement and justice, enforcement of law and order and most importantly, dispute settlement between inter families villages conflict, marital conflict, and land dispute.

The Traditional Rulers exercised their authority in the aspect of economic, cultural, political and social administrators and lords of their different kingdoms(Aidelokhia, 2008). Conflict as part of man’s existence in the society is inevitable and as such, Traditional Rulers get to settle dispute at various levels such as inter village, marital conflict, inter family and inter clan land conflict. It is germane to bring to fore that there are techniques and mechanisms used in resolving long standing or temporal issues to bring about a peaceful, and cordial relationships between the conflictual parties. In conflict prevention, Traditional authorities played major roles in managing these conflicts in an informal setting by arranging peace-treaty plenaries especially when issues escalate and become uncontrollable. The highly revered institution operates by some unwritten legal constitutions of traditional knowledge which became a part of the general social structure and enforcing governance was perfectly organised to manage affairs, administer justice and settle dispute in the society.

The system changed when the colonialis arrived Africa. Abdullahi (2007) opined that on the arrival of the Colonialist, they employed the system of Indirect Rule to govern colonies through the use of local chiefs or intermediaries and traditional laws and customs with British officials just supervising the administration. According to Afigbo(1972), the British colonialist through native courts, installed and controlled chiefs by warrant as they believed that African people had to be governed by chiefs in order to maintain the organic unity of the Nigerian society. Their responsibilities and roles completely took a U turn and relegated by the Colonial Masters.
The indigenous sensibility, native education and cultural values were eroded by the whites in exchange for theirs which was not as potent as our traditional values. The introduction of the 1976 Local Government Reform further rendered the authority of traditional rulers to the extent that they are not recognised in the helms of affairs of government. Though they might not be acknowledged and welcomed to the round table of decision makers, but the wealth of wisdom and traditional knowledge displayed by the traditional rulers remain potent. Therefore, this study investigates into the resolution methods used by traditional rulers to settle disputes in Etinan Local Government Area.

2.0 CONCEPTUAL FRAMEWORK
Conflict

The existence of humanity on earth cannot be complete without a struggle and disagreement over something. This could be categorised in terms of resources, values, power and inequality of social justice. When this occurs, we say that there is incompatibility of goal and interest that leads to conflict if not controlled, can escalate to another level. Jeong (2008) opines that our survival on this planet is rooted on how we manage the various features of conflict that are fuelled not only by seemingly incompatible interests and values, but also by hostilities. Interestingly, no society is free from conflict as they are two inseparable entities. Suffice to say that whilst most conflict(s) are negative, there are positive side of conflict that leads to self discovery, growth and development of which without it, parties cannot understand each other. In Africa, we have tailored our minds on how conflict is visualised. (Onigun & Albert 2001) perceives traditional conflicts as ‘a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralise, injure or eliminate their opponents. It is interesting to note that conflict takes different forms in our society, sequel to this constant dynamics of conflict, Scholars came up with different definitions of conflict but not a universal definition.

Okpaga, (2002) perceives conflict as manifesting themselves getting into wealth and position of power, influence and prestige. Mmuya & Maunde (2002) express conflict as the existence of confrontation or absence of agreement between two or more parties within an organisation or group. Taken together, conflict means disagreement, controversy or dispute in ideas, or perspective upheld by two or more groups which eventually end up in destroying and breaking a healthy interpersonal relationship that once existed. When conflict happens, it can either bring about positive or negative changes in government, socio-economic and the grassroot level society. In the same vein,

Bamikole (2008) sees conflict as the differences in the interests of people or between groups of people, which could be material, religious, ethnic, ideological and any other thing that makes people, fight one another. However, Albert(2001) perspective of conflict is that nothing is wrong with conflict, it is critical mechanism by which goals and aspirations of individuals and groups are articulated. He further said that it is a channel for a definition of creative solutions.
to human problems and a means to the development of a collective identity. Going by the above definitions of conflict by scholars, it shows that conflict does not exist in a vacuum. It occurs between two or more people with different interests. It can be deduced that conflict is not bad in its totality but it brings about change and development that was never envisaged, as some hidden solutions to a problem can be discovered through conflict either positive or negative. When conflicts arise, it is common sense to know that there are people with the mantle of leadership assign to call the disputing parties to order, manage and resolve conflicts amicably as it occurs. These people are known as Traditional Rulers, as they were referred to during the pre colonial era in Nigeria. Therefore, it is important to understand the concept of Traditional Rulers in this study.

THE CONCEPT OF TRADITIONAL RULERS

The importance of traditional leadership in traditional African setting cannot be underscored. It is no longer news that traditional authorities do not have official role to play in the political sphere and governance in Nigeria, rather, they serve in an unconfirmed position as consultative body to the Local, state, and Federal government events.

A Traditional Ruler is a person divinely chosen by the divinity or by the people of that community through careful selection process to govern the social, economic and political affairs of that society. It can also be seen as a person from a royal background or lineage from birth with the sceptre of leadership to successfully lead the people without fear or favour as it is hereditary. Often times, they are usually individuals or group of people who have the traditional background, knowledge and wisdom to decipher situations when they occur. Several scholars have defined traditional rulers based on time and circumstances.

Cookey (2010) defined a traditional ruler as a person who by reason 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. Based on this definition, the traditional ruler has outright executive, legislative as well as judicial powers. Leaders in alignment to this definition are: Emirs in Northern Nigeria such as the Emir of Bauchi, Kano, Zaria, Adamawa, Ilorin and Gombe. In Western Nigeria. We have Alaafin of Oyo, Ooni of Ife, Oba of Benin. This is different in eastern Nigeria as the system of administration before the coming of the Colonial rule was based on small communities being headed by a purely democratic process and hereditary.

According to Egwurube (1988), Traditional Rulers are individuals or group of individuals who occupy communal political leadership positions by immorality (or immortality and are through the consent of the community members granted authority and legitimacy to direct the affairs of particular ethno-cultural or linguistic groups in an ordered manner. In the selection process of whom the baton of rulership should fall upon, we see the role of the gods of that land in the process. The chief priest is summoned to consult the gods of their lands. This happens in eastern Nigeria. This is so to avoid enthroning a dictator or a tyrant, hence the involvement
of the gods. The community members at this point do not have a say over the decision of the gods as it is divinely chosen and being the highest form of authority and the mouth piece of the land. The individual chosen must be someone with traditional prowess of the community, must be knowledgeable in the art and culture, and the wise sayings of the land. He must be traditionally rooted in the culture of his people and wisdom to rule and decipher situations as they arise. The throne they occupy could be for a short or long period of time. The position is highly sacred to the elders and the populace.

Abu (2017) perceives traditional rulers as those who claim to be of royal birth in the sense of being descendants of the people who founded dynasties in the past history of their specific areas, and as a result of this gained respects from the common people in their territories to counter. I would describe a traditional ruler as a person who is skilful, competent, articulate, civilised, empowered in the concept of traditional principles and intellectually equipped with conflict resolution mechanism. That is why Allison (2003) said that 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. Hence, Thomason, (2007) maintained that traditional authority derives its powers by appealing to customs and tradition. Despite the continued assistance by political leaders to Traditional Authorities, no significant step has been taken to improve the status of the traditional rulers in Nigeria.

TRADITIONAL TITLES IN AKWA IBOM STATE
Obong Emem: This means chief of Peace (Royal of Peace and Conflict Resolution Mandate)

Adaha: The Pillar of the Community/Land
Oku Ibom Ibibio: Supreme Royal Traditional monarch of Ibibio land. This means the priest of the Almighty God of Ibibio.
Obong Unwana: the traditional chieftaincy title of honour which means chief of Light. It is conferred on the worthy son of the land who have served the people with diligence via civilization.
Obong Ifiok: this means Royal Special Adviser to the traditional council.
Obong Uforo: chief of progress and development.
MPKISONG: Royals of the land or princes of the land. This is conferred on great princes of the community.

2.1 Literature Review
TRADITIONAL INSTITUTION DURING THE PRE COLONIAL
The introduction of the 1976 Local Government Reform down played the role and functions of the traditional rulers. Traditional Rulers were seen as delegates of their ancestors and believed to possess their authority from the spirit of the Supreme Being. It became ineffective and impotent as it was succinctly expressed, that’ it is not the intention of government to destroy the organic unity of the traditional Institutions. The traditional Emirate and Chiefdom
will remain, although their functions will be changed to accord with the present day circumstances. However, Mile, (2007) asserts that although the paramount chiefs were undone by Europeans rule, traditional rulers have served as important adjuncts of post-colonial government in Nigeria and Africa. Crowder (1978) opines that chieftaincy institutions were maintained and used by the colonialist interest. The system of indirect rule affirms the above statement. Also, he believes that whether they had fulfilled the entire traditional prerequisite for assumption of office, which would have allowed ruling in pre colonial days, their rights to rule depend on the colonial authorities. This means that the colonial masters came with a pre-planned map, and intention to brainwash Africans to usurp their defined and sacred culture with rich values for theirs and put Africans into slavery. Okolo (1976), the traditional rulers under Benin kingdom were at the head of a structured and organised system of government. Given his position, he functions as the legislature, executive and judiciary.

During the pre-colonial era, Traditional Institution was glaring to the eye, since maintenance of law and order was executed through a normative system that was part of the general social structure though the system was not sophisticated, the machinery of government was organized enough to handle affairs, settle conflict and administered justice in the society. Having mentioned earlier that the Institution was controlled by some unwritten laws that ensure the security of the Institution from the above stated, traditional rulers had tremendous impact on the evolution of economic, political, and social Institution in which they had dominant control.

Afigbo (1972) said that British instituted native courts and installed chiefs by warrant ruled over them. They believed that for Africans, they needed to be governed by chiefs, therefore maintaining the organic unity of the Nigerian Society. As a result of this, many warrant chiefs constituted colonially supported usurpers of power and had little legitimacy beyond the fact of being installed by colonial state. However, the power they had was for their own selfish gain and interest. Oforngoro,(1982) noted that their major source of power was control of native courts and labours. For instance, for colonial roads and water way construction, Enugu warrants chief Onyeama, was described as an African god by his grandson (Onyeama, 1982). He was known to have control over his followers of labour to the emerging coal mining industry and established himself as a powerful ruler combining wealth, terror, and magical power over his people. Interestingly, traditional practices is not out of place such as use of rituals, symbols and interpretations of myths to end conflicts (Brock-Utne,2001). It is a conventional strategy which the elders and village Hheads hold in high esteem. In conflict resolution in the Eastern Nigeria, the disputants engage in negotiation or conflict termination. A third party can be invited as a mediator if it seems the parties are not in agreement. The process is made publicly and voluntarily and also being carried out by social groups in the interest of social groups such as Clans, village communities, tribes extended families and brotherhoods. According to Boege (2006) each person is perceived as representatives of a kin and is accountable for each of its members. Elders and members of the communities used these mechanisms to resolve conflict which was peaceful and brought about unity and stability. It
maintained semblance of order and stability in a hostile situation and environment created by social relations.

Nwazie, (1991) stated the following as legal institutions in the Eastern part of Nigeria that had authorities to serve as mediator, facilitators, negotiator, and peace makers. These are; the family Heads, the Umuada, The Village Tribunal, (Amala), Age Grades, Titlemen,(chiefs), and Oracles. He further explained that the family head mediates over certain marital conflicts, cases of delinquency, boundary disputes between households and presides in the resolution of other cases between family members. If a leadership crisis arises, the married daughters (Umuada) of the family or village are invited to settle the dispute or force compliance with the decision. Divination is used also to reveal and know the real mysterious causes, heal diseases and manage both individual and group conflict. Sanctions are thereby confined to the social realm (shaming, stigmatising) and the supernatural (cursing, society). However, conflictual contending parties have the right to refuse any dispute settlement that they are not comfortable with. This shows that conflict resolution is based on agreement as everybody has to reach a consensual approach and common ground to a solution. This indicates that traditional conflict transformation is consensus based. Legesse, (2001,1973) asserts that the basic principle that guide the consensus-based (decentralised authority) systems include curbing the concentration of power in an institution or a person aid in averting the emergence of a rigid hierarchy. The Northern Nigeria, Jacob (2010) maintained that there are hierarchy of leaders in that supervise and handle conflict. The village elders ward heads, District Heads, and village Heads who can be called upon for dispute settlement. Given the weight of the matter, a more senior leader is sent for, to settle the issue. He said some reservations with the Northern traditional authorities is that their interest in these matters differs from one village to another. Some make arbitrary judgements, and people commonly exonerate them from bribery. Others take action to set up court-like procedures, with witnesses, site inspection and independent assessment of costs. He further explained that the Emirs could assist in the formation of professional and tribal associations as each association could freely choose its own chairperson. A dispute resolution in the Northern states can be set up at three levels to handle issues pertaining the communities. Low level committee (village Head, Fulani and farmer leaders) issues are resolved at this level via payment of compensation. Middle level committee (district Head, Sarkin Fulani and branch chair of the farmers Association) Issues at this level are by passed without resolution and the High Level committee (The Emir, the Galadima, both delegates chairs of Herders Associations) and other members of the Emirate council. At this state, the judgement passed is final irrespective of the parties’ unsatisfactory outcome. Jacob, (2010), affirmed that since the inception of the committees for resolution mechanism in the Eastern and Northern Nigeria, individuals and communities in these regions have been living peacefully with other.
TRADITIONAL INSTITUTION DURING THE COLONIAL AND POST COLONIAL ERA

Going by the historical background of the Traditional Rulers in the pre colonial regime, we could say that the experience was laudable as it was a peaceful reign without imposition. It was a tremendous adventure for the traditional institution where power, authority and influence were exercised without hegemony. Paramount to them was the maintenance of law and order, preservation of cultural norms, values and traditional heritage. They were arbiters of justice, restorer of peace and unity back to the people and community(ies), implementation of government policy at the grassroot level was executed by them, they were representatives of their ancestors in their respective environ and above all, they resolve conflicts both individual and group within the localities.

In Rwanda, Traditional Rulers played a very important role in the "gacaca" court system during the genocide of 1994. With the collaborative efforts of the Traditional rulers, transitional justice was given to the victims. Within localities and state level, traditional authorities stand as mediators between farmer-herder conflicts in the North central states, Nigeria. Ethiopia, Traditional Rulers have settled disputes over land and grazing routes.

the roles of the Traditional Rulers were sovereign and upheld in the society. As stated in the previous constitutions of the Federal Republic of Nigeria, Traditional Rulers were involved in policy making with Governors in their different region. Regarded as members of Parliament of the 1963 Constitution, they were made relevant at the Federal levels as members of the Council of State and involve in the Political, social and economic affairs of the state. The Traditional Institution had a fantastic and organised power structure that made the administration a serene and tranquil reign. Nevertheless, the influx of the British eroded most of the traditional structures through Indirect Rule. Wikipedia defined Indirect rule as a system of governance used by the British and others to CONTROL parts of their colonial empires, especially in Africa and Asia, which was done through PRE-EXISTING INDIGENOUS POWER STRUCTURES. This connotes that Africa is rooted in a well-defined and solid structure enshrined in our Traditional culture that served as a compass for the Rulers to carry out their duties. The colonialist, suffix to say that they recognised the potency of these indigenous norms and values, hence the employment of Indirect rule to control our resources and brainwash our identity with theirs. This was a means of exploitation through the Traditional Rulers. However, indirect rule was also adopted by other countries for dominance and control. The French in Algeria and Tunisia, Portuguese in Angola and Mozambique, the Dutch in the East Indies, and Belgians in Burundi according to Wikipedia, and other independent African states includes Tanzania, Uganda, Ghana, Sierra Leon, Gambia amongst others. In the early colonial Nigeria, the most significant role for traditional rulers was not in the aspect of elective politics at the national level; instead it was in the area of local administration in Nigeria’s administrative structures.

Kwame Arhin stated two approaches to the postcolonial era. These are the:
(i) Adaptive Approach: the traditional authorities became passive in their responsibilities in governance especially in political functions and were running local communities as opinion leaders. They became symbol of recognition but not actual power to rule.

(ii) Marginalised School: the post colonial regime deprived the chiefs of influence through democratization of institution like the local councils, national legislatures and through the grant of Universal suffrage. Though it almost eliminated the chieftaincy institution, but with force and vitality the attempt was unsuccessful.

These were hinged upon the notion of indirect rule with the Governor General being the head of the administration. Blitz (2005) opined that 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. This was the local traditional ruler who alone was charged with the responsibilities of local administration and government within his domain. The Native Authority functioned in two dimensions. First, he was the last link in the colonial administrative chain, through him that decisions made at the centre 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. Nevertheless, the role of the Native Authority was metamorphosed in the area of local government. Blitz, (2005), asserted that the British set up the general guidelines but left much of the actual policy making up to the individual Native Authorities.

The District Officer served as an advisor to him as long as the Native Authority operated within the established boundaries. The prerequisite for being a Native Authority is that he has to be recognised by the Governor for approval. Ezera, (2005) opined that the British policy was to choose the senior traditional rulers in Nigeria and its official. However, the procedure of the selection was somewhat complicated given the diversities of traditional rulers in Nigeria. According to Bretton (2002), he revealed how this was done in geopolitical zones.

In the South, the traditional authorities seldom ruled alone, but derived their authority from their position in ‘council’. In the East, political organisation was highly decentralised and rarely went beyond the village level. At the village level, few central traditional rulers existed, village councils operated which were delegate of the core clans in the village. In the North, an aristocratic and autocratic hierarchical system of traditional rule was succinctly designated and the senior traditional rulers-Emirs could be easily identified. The selection process of traditional rulers who could be integrated into central colonial administration interfered with the very notion of the traditional rulers ruling not above society but in it. The issue of succession arose with the problem of identification. In most cases, via political process, the selection of traditional rulers was carried out which took place between members of a given community. Political tussle arises in the process after which the winner emerged as the traditional ruler. Having crown the newly elected traditional ruler, the decision of the people
no longer holds as all native authorities had to be confirmed and approved by the Governor, the people of that community had to choose from amongst the candidates who were acceptable to him (Hailey, 2005). Indirectly, the central government influenced the outcome of the process.

Hailey (2005) maintained that in early colonial Nigeria, traditional rulers were provided with two folds to influence political terrain. First, at the local level, the legal role of the traditional ruler as a native authority was provided for in a clearly prescribed manner while at the National level, traditional rulers had lost their legal role in the legislative council, but did influence it by forming the political base of the only successful political party at the time, which was the Nigerian National Democratic Party (NNDP). Prior to the constitutional reviews that started 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. Against this background was the constitution of the 1944, the Richards Constitution was placed. The Richards Constitution sought to mend the gap between the Native Authorities at the local level and the largely appointed and official Legislative council at the national level. To carry out this process, delegation based upon the notion of regionalism was introduced into both the Houses of Assembly as well as the Legislative Council. According to Jones (2007), the constitution established house of Assembly at the regions, and House of Chiefs in the North. Each House of Assembly had both official members, those selected for the most part, by the Native Authorities council from amongst themselves and those appointed by the Governor who officially supported him. The Western and Northern Regions accentuated the role of the Native Authorities and the traditional rulers.

In Northern states, a House of Chiefs was created to supplement the house of Assembly, while the Eastern states, 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 states, in addition to having 7-11 of the 15-19 un-official members selected from and by the Native Authorities, the Governor, after much consultation with the chiefs of the Western Provinces, appointed three Head of chiefs to the House. In addition, the Governor appointed five minority delegates (Akpan, 2005). Interestingly, 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.

Akpan (2005), further said that in the House of Assembly, un-officials number were between 20-21, 14-18 of whom were selected from among the Native Authorities, six of whom could be selected by the Governor. Traditional rulers in the North were in effect represented twice; House of Chiefs and as Native Authorities. Those chosen by the Governor were to ensure the adequate representation of minorities which might not have been included. The Western region to a lesser extent had the same arrangement, held true, with the Head of 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. There was a strong reaction by the nationalist elements to
the imposition of the Richards Constitution. They observed 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). Roles were not assigned for the nationalist movements. The nationalist affirmed that due to their position in the colonial administration, Native authorities should have been listed as official members of the Houses of Assembly but the nationalists claimed it. In its entire governmental structure, Nigeria had no unofficial delegation. Clifford’s constitution of four years was dominated by two major themes. An ongoing effort to have the constitution broadened to include Nigeria’s emerging political parties and 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 representation of nationalists went to London in 1947 to request a review of the Richards constitution, their requests were denied and they were told to return Nigeria and to; make the best of the existing constitution. Nevertheless, in April 1948, Arthur Richard was retired as Governor of Nigeria and was substituted by Sir John Macpherson (Ezera, 2004). Macpherson announced to the legislative council that he had been greatly encouraged by the working of the Richards constitution and therefore thought it was proper to make constitutional changes to take effect at the beginning of 1950.

Five years before the constitution was scheduled to be reviewed. 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 (Mairs, 2008). This canvassing was done indirectly through a series of hierarchical conferences. A position was reserved at each level for those officials, primarily traditional rulers, who were closely tied to the existing government structure. The process endorsed by the legislative council called first for a series of meetings at the village level. Every Nigerian was to have the opportunity to express his opinion about the future constitutional development of the country at the grassroot level.

The village council composed of traditional members as well as the appointees by the locally recognised Native Authority, elected delegates who were then sent to the district conferences. The district conference in turn held discussions and sent representatives to the provincial level, after consultation with the House of Assembly, the residents, the Native Authority or any other representative body could add members as he saw it (Mair, 2008). The selection of representatives for the national conference provided traditional rulers with two sources of influence. The village council and the unofficial members of the House of Assembly, the village council was the first step and under the direct influence of the local traditional rulers who was sending as the Native Authority. While the unofficial members of the Houses of Assembly, were automatically included in the regional conferences, selected by the Native Authorities from among their own ranks. The unofficial members of the Houses of Assembly then selected the legislative council. Munoz (2000) stated that traditional rulers had the
opportunity to influence heavily the composition of the last conference, and in the process the constitutional arrangements it adopted.

The changes which emerged from the London and Lagos conference were adopted in the form of the constitution of 1954, which is known as the Lyttelton Constitution. This constitution was reviewed once again in 1957, and these final revisions had a great effect on the constitutional role of traditional rulers in the Nigerian government. The constitutional power of the traditional rulers had been greatly reduced at the centre and in the regions in 1957. The legislature was divided into two houses at the federal level which are the senate and the House of Representative. The House of Representatives consisted of 320 members who were directly elected, while senate, composed of twelve representatives from each region who were appointed by the Governor of that region (Mair, 2008). In addition, the Governor-General appointed two representatives for Lagos while the Chiefs of Lagos elected one. The Oba of Lagos was a bonafide member.

Traditional rulers were given a formal role under the 1954 constitution through which they could take part in government activities. Nevertheless, with the coming of Macpherson constitution, the role was reduced, reviewed as senior traditional rulers were exonerated 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. Ezera (2004) opined that 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 Britain. One of the areas which Authority enhanced their standing was the executive council where they were specifically included. Traditional rulers retained a legal position under the Lyttleton constitution in the governmental structure, but the position had changed from that of an active and equal role in the formation of policy to a substantially advisory one. During the military coup 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 Independence and Republican constitution (Reed, 2000). Furthermore, traditional rulers had seen the process of their recognition change dramatically from ultimate dependence upon the British colonial regime to dependence upon Nigeria elected politicians.

3.0 METHODOLOGY
This study utilized qualitative data generated from primary sources using structured open-ended interview guide interaction with residents, constituted authority and from academic from which findings were made. The purposive sampling technique was adopted for this study. It comprises of fifty randomly selected respondents and interwees through an open-ended interview. This was because only those who fit into this category were interviewed by the researcher. The main instrument used for this study is key in-depth interview and telephone Interview guide. It consist of open-ended questions drawn by the researcher which is normally answered by respondents. An open-ended interview guide was used, the responses were
transcribed from Ibibio language to English language. The researcher took note of the proverbial connotations which were interpreted by educated elders.

4.0 ALTERNATIVE DISPUTE RESOLUTION IN ETINAN LGA

Before the advent of the British Colonialism, Africa had a viable and potent instrument in settling conflict. The so-called alternative was never an alternative but the laid down and firm mechanisms rooted in tradition was adopted for resolving misunderstanding by the paramount leaders in their different domain. Alternative Dispute Resolution has become a viable instrument and method of dispute management in Africa, Western World and Europe. It proffers easy solution among parties in disputes (disputants) who had to resort to judicial process or a law court, countries that have tested Alternative techniques have solution of conflict much quicker than under legal procedures.

Alternative Dispute Resolution has the capacity of being useful to resolve family problem commercial issues, community disputes incompatibilities at workplace and industrial conflict. It is confidential, private without prejudice and less expensive unlike litigation.

Etinan is one of the Local Government Areas in Akwa Ibom State, Birthed in 1976 after the Akilu Commission of Inquiry into the administrative structure of the then South Eastern state, carved out of the former Uyo Division. It is the semi-urban area and also headquarters of the Local Government Area. Situated on the Qua Iboe River South West of Uyo, and North of Eket(Ekong,2001).Etinan Urban District, Northern Iman, and Southern Iman District are the major towns in Etinan. Ibibio is the major language of Etinan people. Abu(2017) in his work opined that Ibibio is made up of six sub-cultural groups namely, stern Ibibio or Ibibio proper, Western Ibibio or Annang, Northern Ibibio or Eyang, Southern Ibibio or Oket, Delta Ibibio or Andomilbeno and Riverine Ibibio or Efik. He further noted that before the advent of Nigeria as a nation, Ibibio people were self governed. These set of people are located in Southern Eastern Nigeria also known as Coastal Southern Eastern Nigeria. It consists of nine towns which are Ibiaku District, Asanting, Mbiafum, Ekpen/Ediene, Ndija Ekpen, Ikono South, Nung-Ukem, Aka Ekpen and Itak District. It would be of interest to know that the above Districts have heads and village heads in the respective villages and the paramount ruler is the head of all traditional rulers in the local government.

In Etinan, conflict is inevitable. It is seen as a natural phenomenon which brings about growth and creative solution to a problem. The Royal fathers are the chief custodian of power and knowledge. The Akwa Ibom state government enacted the 1976 Local government Reform (No. 14 of 1978). This narrowed down the process for the selection, acknowledgement and duties of traditional rulers. It also gave rise to the constitutional framework for traditional democracy by a community selection of an acceptable ruler. It behooves on the ruler to be conversant with the methods and mechanisms of conflict resolution and the approach, as one of the duties of a traditional rulers is to peacefully mediate between two or more warring parties in the community. When conflict arises, there are stages in which resolutions takes place. The
people of Etinan believe that settling dispute amicably within themselves is paramount to their existence as families, neighbours and community at large. Before the issues is taken to the highest authority which is the Traditional rulers, the matter would have been tabled before family head, village head and the community {clan}. When the problem seems not to be resolved, then it's been taken to the traditional authority. Traditional rulers take part in dispute resolution as a way to bring harmony and peaceful coexistence within the community.

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Having established that conflict in Etinan LGA differs from one level to another, these are marital conflict, land dispute, Murder, stealing and theft. Each of the stated conflicts has it stipulated way and process to execute and bring a lasting solution to it. In an interview with one of the interviewees, he said the dimensions to conflict resolution vary such as the ones mentioned above. In settling marital conflict, the case is taken to the family of the victim involve in the act (Epkuk). Offences in marital conflict span from insubordination, infidelity, disrespect and use of vulgar words on spouse. In handling the case of insubordination, the family of the wife and husband are called upon by the family head (Epkuk) after the case is reported.

At this point, the husband stops eating the food prepared by the wife for a period of time until the matter is settled. If the wife is found guilty, she would be asked to buy the following items for a peaceful reconciliation between her and her husband: A native chicken and tubers of yam. She prepares the meal using the items above for her husband. Her husband accepts her apology when he eats the meal she has prepared for him. At this point, conflict is resolved. In the case of infidelity, respondents shared the same opinion on the penalty given to the offender. Respondents affirmed that the case is taken to the village council (Afi Idung). Thorough investigation is then carried out to confirm if it is true or not. After much interrogation, if the spouse is found guilty, the husband’s family decides on what to do and the consequence aftermath. At the council hall, the village head and his cabinet demands to know the take of the family (Epkuk) of the husband. Since it is an act of shame and disgrace to both families, the husband's family therefore demands the following items for cleansing. The wife submits a goat, five tubers of yam, 1 bottle of Aromatic Shchinapp, cartoon of Beer and illicit gin. Having bought the native items, their village head (Obong Idung) takes a gin, pour it on the ground and speak, making some incantations to the ancestors to forgive her and she has obediently carried out what she was instructed to do to avert the punishment from the ancestors. The village head and both families settle down and eat the food prepared by the woman to show a sign of acceptance and forgiveness especially her husband.
In a land dispute resolution, this goes a little further into litigation. This is done when the parties involved express unsatisfactory level of the outcome of the traditional ruler. They have the right to take the case to court as they desire, which the court will investigate and ask questions pertaining to the land for a sound judgement. Oath taking is another way which the traditional rulers adopt to resolve disputes pertaining to land. The Oath is been prepared by the herbalist of the community with the approval of the parties involved. The consequence attached to this is after three months, one of the disputants claiming the ownership of the land will die. Both parties take the oath while the herbalist remains neutral. If the one claiming to own the land is not the owner, the next three month, he will die and that’s to show that the other is the genuine owner of the land which he claims ownership.

Another method of resolving conflict by the traditional rulers as stated by a lecturer from University of Uyo, Akwa Ibom state are personal data and close kinship. At the interview, he explained that it is important to have and know the personal information about a loved one especially one’s spouse. An instance was the case of a chief who had misunderstanding with his wife that almost led to divorce. Being a prominent chief at the village council, he was called upon by the village heads to have a plenary with him and his wife. Both parties were in separate room while the mediation process was on going. The wife was asked by the traditional ruler her husband’s favourite meal and she responded aditan soup and fufu which is a native delicacy. The leader rallies round few women to buy the soup condiments for the preparation of the soup. The meal was prepared without the consent of the husband who was furiously angry at his wife. Fortunately he was served the food and he joyously enjoyed the meal. His wife was called upon while he was enjoying the meal and there the divorce process was cancelled due to his favourite meal he was served. That was the wisdom and the competence of the ruler in saving the marriage of the chief.

Close kinship is also a mechanism is settling dispute between families. It plays a significant role in conflict resolution between families. Close kinship are mutually bound. Close kinship are grandchild,(Eyeyen), in-laws(Ukots). The presence of eyeyen(grandchild) and in-laws can avert the conflict from escalating.

5.0 CONCLUSION
From the above findings, the study confirms that the Traditional rulers employ alternative dispute resolution to settle different phases of conflict in Etinan kingdom. The prowess of the traditional ruler is being displayed in the mediation process to bring peace and harmony among the people and the community at large. Reconciliation, mediation, litigation (when parties are not satisfied with the outcome of the dispute), Personal data of the spouse and Close kinship are the methods used to settle dispute in Etinan. Hence a lame man cannot occupy the vantage position if he is not well informed and articulated about the traditional tenets of the land and the mechanisms of Alternative Dispute Resolution to govern the people.
5.1 **Recommendations**

Alternative Dispute Resolution is a potent mechanism for resolving conflict. If this can restore peace between conflicting people at community level, this means that it is reliable and tested. The researcher hereby recommends that aside Traditional Institutions using this instrument to mediate dispute and yields positive outcome, legal practitioners, Government at different levels (federal, states and Local) Professionals, and Private and Public organisations should adopt Alternative Dispute Resolution and avoid Litigation or court proceedings which is time and money consuming as conflict is inevitable in the society we live in.

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