

# CORI

Country of origin research and information

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## ***CORI Research Analysis***

**Date:** 15 July 2013

**Country:** Nigeria

**Ref:** Nig0713

**Issues:** (1) Regions where Traditional Heads maintain strong authority over the population

(2) Relationships between the Government and local Traditional Heads (whether an individual may be arbitrarily arrested and/ or detained by the authorities for personal motivations held by Traditional Heads, and whether there are any legal protective measures which are effective from which a person can benefit), such as:

-What is the relationship between local Traditional Heads and the central/local Government and the judiciary?

-What type of power or authority, local traditional heads have; i.e. can they be linked to local authorities; do they have (official or unofficial) authority to order police to arrest individuals and/or have prosecutors try individuals in court, and if so, would the federal authorities intervene (for example if the traditional head manipulates the authorities to arrest, falsely charge try individuals in trials which lack due process guarantees)

-Can the local traditional heads exert their power beyond their own/ local areas, for example to the capital city?

(3) In the event a power struggle among Traditional Heads, including a fight to take over the Traditional Headship, occurs in particular regions, whether the central/ regional Government would be able to exert control, including through administrative regulations, legislative activities and/or exercise of judicial/police authority. In other words, can the federal or local authorities protect an individual from threats by non-state agents who want to take over the role? Would the Traditional Head themselves be able to protect an individual appointed as the next Traditional Head from non-state agents wanting to take over the role?

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*CORI research analyses are prepared on the basis of publicly available information studies and commentaries and produced within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issue however as Country of Origin Information (COI) is reliant on publicly available documentation there may be instances where the required information is not available. The analyses are not and do not purport to be either exhaustive with regard to conditions in the country surveyed or conclusive as to the merits of any particular claim to refugee status or asylum. Please read the full text of each document referred to using the URL provided in the footnote.*

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### **(1) Regions where Traditional Heads maintain strong authority over the population**

No information was found highlighting any particular regions in which traditional leaders had a strong authority over the population during the timeframe of this research, in the sources consulted.

**(2) Relationships between the Government and local Traditional Heads (whether an individual may be arbitrarily arrested and/ or detained by the authorities for personal motivations held by Traditional Heads, and whether there are any legal protective measures which are effective from which a person can benefit), such as:**

**-What is the relationship between local Traditional Heads and the central/local Government and the judiciary?**

**-What type of power or authority, local traditional heads have; i.e. can they be linked to local authorities; do they have (official or unofficial) authority to order police to arrest individuals and/or have prosecutors try individuals in court, and if so, would the federal authorities intervene (for example if the traditional head manipulates the authorities to arrest, falsely charge/try individuals in trials which lack due process guarantees)**

**-Can the local traditional heads exert their power beyond their own/ local areas, for example to the capital city?**

In September 2010 the *British Broadcasting Corporation (BBC)* reported that politicians sought the approval of traditional leaders due to chiefs' influence,

"While traditional leaders hold few constitutional powers, no politician is wise to seek office without his blessing. [ ] Today, despite attempts by successive governments to marginalise them from the political process, traditional leaders continue to exert significant influence. [ ] "They continue to yield so much power in who gets what political appointments, although most of this influence remains behind the scenes," explains Kabiru Sufi, a political scientist. This remains so particularly in the mainly Muslim north, where they are seen as custodians of both religion and tradition."<sup>1</sup>

In its 2012 country report covering the events of 2011 the *USDOS* stated that "Political leaders influenced the judiciary, particularly at the state and local levels."<sup>2</sup> The report did not specify if this included traditional leaders.

No information was found regarding whether traditional leaders have the power to order arrests during the timeframe of this research in the sources consulted.

**(3) In the event a power struggle among Traditional Heads, including a fight to take over the Traditional Headship, occurs in particular regions, whether the central/ regional Government would be able to exert control, including through administrative regulations, legislative activities and/or exercise of judicial/police authority. In other words, can the federal or local authorities protect an individual from threats by non-state agents who want to take over the role? Would the Traditional Head themselves be able to protect an individual appointed as the next Traditional Head from non-state agents wanting to take over the role?**

In June 2013 Nigerian newspaper *Premium Times* reported on leadership disputes in four communities in Imo state reporting that Governor Rochas Okorocha directed that some of the elections would be monitored by the government. According to the *Premium Times* Okorocha said that,

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<sup>1</sup> BBC, Nigeria's emirs: Power behind the throne, 2 September 2010, [http://www.bbc.co.uk/news/world-africa-11418542#story\\_continues\\_1](http://www.bbc.co.uk/news/world-africa-11418542#story_continues_1), accessed 5 July 2013

<sup>2</sup> United States Department of State, Country reports on human rights practices for 2012: Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204153>, accessed 5 July 2013

"he would not allow the imposition of a traditional ruler in any community and urged the people to cooperate with the government.

Earlier, the Commissioner for Community Governance and Chieftaincy Affairs, Ugochi Nnanna-Okoro, noted that no community could move forward in an atmosphere of disunity."<sup>3</sup>

In 2007 the BBC reported on the significance of and competition in holding a chieftaincy title,

"To be addressed as a Mr, Mrs or Ms in Nigerian social circles means you are a nobody. To be a mover or shaker you need to be a chief - or to at least hold a doctorate.

But some fear this craze for chieftaincy titles may be eroding what was once a highly revered position in traditional Nigerian society.

To be a traditional chief is like being a small god - it is seen as the peak of one's achievement in life. [ ] The Yerima Kida [of Biu Emirate] says many people use their titles for political gain.

"They brandish it, especially a politician because he wants to sell himself. In Nigerian politics we don't sell programmes, we sell people," he says."

"Financial manager Reginald Ibe, a chief of the Igbo people in the south-east, echoes this disquiet.

"Chieftaincy titles have practically been bastardised these days," he says.

"Everybody wants to acquire one chieftaincy title or any other title. The number of honorary PhDs we have in this country is symptomatic of a people who have failed in so many aspects of life." [ ]

"Now you even have armed robbers, corrupt politicians and all sorts of people being chiefs," Chief Ibe says.

"It costs a lot to acquire a title. These days, in all you could spend as much \$200,000 to \$250,000 - minimum to become a chief."

Many prominent Nigerians including serving and past political leaders hold one title or another - either traditional, educational, professional or religious."<sup>4</sup>

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies reported that chieftaincy disputes are often related to land disputes,

"Land and chieftaincy disputes are sometimes complex and politically sensitive and may have the capacity to result in conflicts which may paralyse national security. Owing to this possible implication, land and chieftaincy disputes must be managed. Management of land and chieftaincy disputes requires an understanding of their security implications. This understanding is necessary in order to avoid these disputes as well as address the adverse consequences which may result from them to threaten the fragile stability and security of the family, community, state and the nation."<sup>5</sup>

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<sup>3</sup> Premium Times, Okorocho vows to end traditional leadership tussle in Imo, 19 June 2013, <http://premiumtimesng.com/regional/139162-okorocho-vows-to-end-traditional-leadership-tussle-in-imo.html>, accessed 5 July 2013

<sup>4</sup> BBC, Nigerians go crazy for a title, 1 August 2007, <http://news.bbc.co.uk/1/hi/world/africa/6924870.stm>, accessed 5 July 2013

<sup>5</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011  
<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies reported that disputes are often caused by the considerable economic control that chiefs have over land and local governance,

"Chieftaincy disputes in Nigeria arise in some of the following ways:

Political role of chieftaincy institution - The chieftaincy institution which remains a key player not only in local administration but also in national life generate disputes and debates owing to the role and relevance of chieftaincy institutions. The dispute and debate has been whether those who are called chiefs in the name of Emirs, Obas, Obis, Olus, Attahs, Aiotse, Alafins etc should have any formal role in political affairs. Presently, chiefs in the country operate outside the formal structures of modern state power.

In 1986, the Political Bureau, a Committee set up by President Ibrahim Babangida to ascertain political preferences of Nigerians reported that the issue of traditional rulership generated considerable dispute and debate. It was discovered that while the 1963 Constitution created a Legislative Chamber in each of the regions for chiefs, the 1979, 1989 and 1995 Constitutions did not provide any meaningful political roles for traditional rulers. This has denied the chiefs explicit executive, legislative and judicial roles in the Constitution. The reason of denial of these political roles from chiefs is to prevent them from participating in partisan politics. Indeed, when any chief is seen as an ally of a government, his views may not be well respected on account of the perception that he is a willing tool of the government and this will lead to disputes. Despite the non-existence of political roles for chiefs, they continue to exercise enormous power and influence over the lives and well being of millions of Nigerians. They control substantial economic and financial resources including land and in many rural areas, chieftaincy institutions are the only institutions of governance and law and order are maintained through this political structure. They are the link to the people in the rural areas and the most effective channel by which the people in the rural areas are reached. The chieftaincy institution is readily accessible to the people and the government use them as conduits for disseminating information. The chieftaincy institution constitutes an important element which provides meaningful political participation and indeed, the Federal and State Governments emphasize their importance by appointing some of them to prominent political roles.

Indeed, traditional rulers help government in maintaining peaceful co-existence and they are the custodians of farmlands and grazing lands. Many celebrated personalities acquired prominence through the traditional chieftaincy system. People like late Chief M. K. O. Abiola were awarded many honorary chieftaincy titles and this confers some degree of legitimacy and helps in access to machinery of government. The importance of traditional rulership is also demonstrated by the eagerness of leaders upon assumption of office to visit the palace of the leading traditional ruler in the area whereby traditional rulers on their part usually pledge their allegiance to the new regime."<sup>6</sup>

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies reported that the government frequently interfered in chieftaincy matters, which on occasion led to clashes between the State Governors and traditional rulers

"The frequent interference in chieftaincy affairs takes place through appointment, demotion, deposition and banishment.

As a result of this interference, there have also been several clashes between State Governors and traditional rulers leaving a trail of heightened tension in many states."<sup>7</sup>

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<sup>6</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011

<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

<sup>7</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies reported that some disputes are resolved legally, in court, whilst others have led to violent conflict which in some cases has lasted for generations,

"In Nigeria, Land and chieftaincy disputes are common and in some instances, the legal option through the court of settling these disputes have been resorted to while in some the problem has remained unresolved with bloody feuds arising there from and this is passed on to generations. In the area of security, land and chieftaincy disputes generate crises in different forms that claim several lives, affect food security, safety, protection and shelter management."<sup>8</sup>

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies report that some of the consequences of chieftaincy disputes are severe, including loss of life, displacement and prolonged conflict,

"Land and chieftaincy disputes raise a variety of security implications as the relationship between land, chieftaincy and conflict are triggered by competition, unhealthy rivalry, grievances, war due to breakdown in the rule of law, policies and forced displacement, poorly managed peace mechanisms / measures, inequitable property relations especially in agrarian societies. Some of the security implications of land and chieftaincy disputes include:

- 1.Conflicts
- 2.Violence
- 3.Danger of lives, property and food
- 4.Refugees and IDPs
- 5.Diseases
- 6.Deaths
- 7.Poverty
- 8.Distortion of succession history
- 9.Youth soldiers
- 10.Relocation of businesses etc.
- 11.Proliferation of weapons
- 12.Loss of law and order
- 13.Jungle justice
- 14.Destructions and wastes
- 15.Wars"<sup>9</sup>

In 2011 *Dr Francisca Ekwutosi Nlerum* Research Fellow at the Nigerian Institute of Advanced Legal Studies reported that Commissions of Enquiry were established to look at some past disputes, but according to Dr Nlerum the government is unable to deal with conflict and that when legal action is taken communities often interpret court decisions selectively,

"The management of land and chieftaincy disputes in Nigeria has led to the establishment of Commissions of Enquiry to look into the causes of disputes, identify stakeholders and make recommendations. Several of these Commissions have been established e.g. following the Umuleri/Aguleri land dispute and the consequent disturbance and killings in 1995, a Commission of Enquiry was set up to inquire into the circumstances and to ascertain the role played by different parties in the conflict. Far reaching recommendations

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<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

<sup>8</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011

<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

<sup>9</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011

<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

were made but nothing was done to diffuse the situation. The inability of the government to handle the conflict leads to the lack of faith in the ability of the State to further the socio-economic aspirations of the people. Even when decisions are made by the court, the communities interpret them to suit themselves and these distorted interpretations have been largely responsible for the unending conflict between the communities.

Land and chieftaincy disputes generally remain a serious threat to national security. The resilience of these disputes calls for a comprehensive national security formulation which should also take into consideration structural violence arising from poverty, exploitation and inequality. A meaningful intervention requires an in-depth, integrated and comprehensive conflict transformation strategy aimed at building the capacity of the people in the community towards reconciliation and the re-humanisation of themselves."<sup>10</sup>

In November 2012 Nigerian online newspaper *Punch* reported that 12 people were feared dead following a chieftaincy dispute in Bayelsa, in response to a Commission's report determining that the acting ruler should become permanent,

"The Agbere community, Sagbama Local Government Area, Bayelsa State, was in disarray on Tuesday after youths went on the rampage, burning houses and destroying property in the area over a chieftaincy dispute.

Our correspondent gathered that many youths were killed in the incident as security operatives battled to restore order in the local government area Governor Seriake Dickson.

While some persons claimed that 12 youths died in the incident, the police said they had yet to ascertain the actual number of casualties.

The aggrieved youths were said to have attacked a police post in the community and injured police officers on duty.

While some sources said a policeman was killed in the melee, the Police Public Relations Officer, Mr. Fidelis Odunna, denied the claims but said some officers were injured in the attack.

It was learnt that the government had ordered security formations in the state, including the state police outfit codenamed *Operation Doo-Akpo*, to restore the peace in the community.

The Commissioner of Police in the state, Mr. Kingsley Omire, was said to have led a special police team to the community.[ ]

It was gathered that trouble started following a report of a commission set up by the local government to determine the emergence of a paramount ruler in the community.

The report, according to sources, recommended that the acting paramount ruler should be made a permanent ruler.

The recommendation was said to have provoked crisis between youths supporting the report and those against it."<sup>11</sup>

In July 2013 Nigerian online newspaper *Nigerian Pilot* reported that the Commissioner for Chieftaincy Matters had intervened in a dispute between two chieftaincy contenders in Enugu,

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<sup>10</sup> Dr Francisca Ekwutosi Nlerum, Security implications of land disputes, in Azinge and Bello, Law and Security in Nigeria, Nigerian Institute of Advanced Legal Studies, 2011

<http://nials-nigeria.org/pub/FranciscaEkwutosiNlerum.pdf>, accessed 8 July 2013

<sup>11</sup> Punch, 12 feared dead in Bayelsa chieftaincy tussle, 28 November 2012, <http://www.punchng.com/news/12-feared-dead-in-bayelsa-chieftaincy-tussle/>, accessed 8 July 2013

"Overwrought by alleged outright deceit, intimidation, total disregard to laid down customs and traditions as well as breach of agreement on rotation of traditional ruler stool among the quarters, some residents of Iggah community in Uzo-Uwani LGA have disassociated themselves from the recent installation and coronation of one Chief Herbert Ukuta as the new royal father of the community.

In a written statement co-signed by Elder Paul Ekwuobi (the eldest man in Iggah), Comrade Vitalis Aniekwe (president general, Iggah Town Union), James Obiora (president general, Iggah Progressive Union) and Barr. Vincent Okonkwo, they claimed that the installation of Ukuta as traditional ruler of the community did not follow any known Iggah customs and traditions.

The statement, which was made available to newsmen, also alleged that the emergence of the embattled traditional ruler violated the existing agreement reached by the people of Iggah on selection and installation of a new monarch for the community.

According to the signed statement, "The people of Iggah had agreed and enshrined it in its constitution that there should be rotation among the four quarters of the community to fill vacant Igwe stool", stressing that presently "it is the turn of Asadu Quarter to fill the vacant Igwe stool", not the Ogboche Quarter where Ukuta hails from.

The statement urged the general public to disregard the coronation, alleging that there was never anything like that as the coronation was done without the knowledge of the community in the sitting room of Chief Maximus Ukuta who, according to them, is an uncle to the embattled Ukuta. [ ]

They added: "The community is yet to decide who will fill the vacant Igwe stool. We, therefore call on the State and Local governments to save the community from unnecessary crisis and stop Mr. Herbert Ukuta and his Uncle, Chief Maximus Ukuta from creating unnecessary tension which the community does not need at this period in time". [ ]

Meanwhile, it was gathered that the Commissioner for Chieftaincy Matters in Enugu State, Pastor Emeka Abugu has invited the feuding parties to his office this week."<sup>12</sup>

In May 2013 Nigerian newspaper *Vanguard* reported that a chieftaincy court has been filed at the Lagos High Court in which a contender claims that his nomination had been suppressed by another candidate,

"A Lagos High Court sitting in Ikeja, has adjourned further hearing in the suit filed against Lagos State Governor and five others over the contest to the stool of Oba of Iguru-land by members of Iguru-Aguda Chieftaincy family in Coker/ Aguda Local Council Development Area, LCDA to June 17, 2013.

[ ]

The matter was instituted by Alhaji Mutalubi Ayinde Kadiri, Prince Morooof A. Y. Morin, Chief Gafaru Apena and Chief Jimoh Apena for themselves and on behalf of the Amore and Omobo branches of Iguru/ Aguda chieftaincy family.

In a 65-paragraph affidavit in support of their motion, Prince Kadiri claimed he had been nominated by the Amore branch of the family for an approval by the government to occupy the office of Oba of Iguru-land, but that some people claiming to be members of Iguru Royal Family rose to suppress his candidature."<sup>13</sup>

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<sup>12</sup> Nigerian Pilot, Chieftaincy tussle tears Enugu community apart, 28 January 2013, <http://www.nigerianpilot.com/chieftaincy-tussle-tears-enugu-community-apart/>, accessed 8 July 2013

<sup>13</sup> Vanguard, Chieftaincy tussle: Court adjourns to June 17, 13 May 2013, <http://www.vanguardngr.com/2013/05/chieftaincy-tussle-court-adjourns-to-june-17/>, accessed 8 July 2013



In June 2013 Nigerian online newspaper *CKN Nigeria* reported that five people were shot in a chieftaincy dispute when supporters of one contender attacked the other contender and his supporters, the police intervened and 22 people were arrested,

"A community in Oye Local Government Area of Ekiti State, Ilupeju was, on Friday, thrown into turmoil over the choice of a candidate for a traditional title.

Five people received gunshot wounds in the crisis.

It was gathered that the crisis ensued when one of the two contenders for the Olugbosu (war chief) of Ilupeju Ekiti was allegedly installed by the traditional ruler of the community, Oba Olaleye Oniyelu.

The contest is said to be between one Mr Kayode Ojo and Mr James Aseperi, who is said to be a retired soldier.

It was gathered that one of the contestants was dancing to the palace in company with his family and friends for his installation when they were attacked by loyalists of the other contestant, at about 8.00 a.m. [ ]

In the ensuing melee, sources said no fewer than five people were shot and injured, while others were said to have received machete cuts.

The intervention of the police, it was said, saved the situation as, sources alleged, the palace of the traditional ruler, which was vandalised, would have been set ablaze by the mob. [ ]

The Public Relations Officer of the state police command, Mr Victor Babayemi, confirmed the mayhem.

He said 22 people had been arrested in connection with the crisis.

Babayemi stated that the suspects were currently in police custody and were undergoing interrogation.

According to him, no casualty was recorded, but weapons were recovered from the suspects.

He said but for the timely intervention of the police, the situation would have degenerated."<sup>14</sup>

In July 2013 *Nigerian Pilot* reported that two chiefs had been suspended by the government in Ogun state as they both claimed that their chieftaincy had been approved by different traditional rulers,

"In a bid to end the chieftaincy crisis rocking the peaceful co-existence of people of Adeagba community in Ewekoro Local Government Area of Ogun state, the government has suspended the duo of Chief Femi Olatidoye and Chief Ganiu Ogunlalu for parading themselves as Baale of the community.

The suspension, according to the government, will be until further notice over dual claims of approval of certificate of appointment issued to the two community leaders by different traditional rulers in Egbaland.

The commissioner for local government and chieftaincy affairs, Basorun Muyiwa Oladipo while presiding over the peace meeting with Oba Adegboyega Dosumu, Olowu of Owu and Oba Abdul- Fatai Akanmo, Olu of Itori in attendance and concerned parties in Abeokuta, said that the chieftaincy crisis was further complicated by the claim of approval each of the two contending Baales of Adeagba community presented to have been given to them. [ ] Shedding more light on the complexity of having two Baales in a community, the commissioner noted that allowing the two Baales to continue to parade themselves would

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<sup>14</sup> CKN Nigeria, Ekiti community boils over chieftaincy title, 22 June 2013, <http://www.cknnigeria.com/2013/06/ekiti-community-boils-over-chieftaincy.html>, accessed 8 July 2013

constitute serious security risk in the community that would eventually result to breakdown of law and order if urgent steps were not taken to finally resolve it."<sup>15</sup>

### **Sources consulted**

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Premium Trust  
Reuters  
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<sup>15</sup> Nigerian Pilot, Community dispute: Ogun suspends 2 chiefs, 5 July 2013, <http://www.nigerianpilot.com/community-dispute-ogun-suspends-2-chiefs/>, accessed 8 July 2013