



## Indigenous Political and Judicial Systems: A Panacea to Conflict Management in the Nigerian Environment: Experience of Ikwerre and Etche Ethnic Nationalities 1500-2000

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**Abstract:** This paper examines the efficacy of Indigenous Political and Judicial Systems in the Nigerian environment as a panacea to conflict management from 1500 to 2000 with focus on Ikwerre and Etche ethnic groups. It adopts qualitative research method such as oral interviews and written records and functionalism theory and argues that the indigenous political and judiciary institutions provide room for engagement and reconciliation, the system also provides dispute resolution mechanisms such as traditional laws, age grade groups, priest of deities, kings, village heads etc, which provided justice, equity and fairness among the people. The study concludes that the indigenous political and judicial systems in Ikwerre and Etche were very effective and viable in conflict management in Nigeria during the period under review. The paper recommends that the Nigerian government should adopt the traditional indigenous political and judicial systems of conflict resolution strategy to ensure peaceful and stable environment.

**Keywords:** Nigerian environment, Ikwerre/Etche, political, judicial, conflict management

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### 1. Introduction

The environment of Etche and Ikwerre people is endowed with natural and marine resources such as oil and gas, cash crops, sea-food and timber [1]. In spite the availability of fertile land and economic potentials of the environment to national development, the cultural and traditional practices of both Etche and Ikwerre are dependent on the environmental features that influences their political and judicial patterns of life. And as the people's environment consist of humans, they equally organize themselves in a manner that could enhance effective administration in the society.

Etche and Ikwerre are ethnic groups in the present Rivers State who between them have six (6) Local Government Areas out of the present twenty-three Local Government Areas in the state; namely Etche, Omuma, Ikwerre, Emohua, Obio/Akpor and Port Harcourt City. Both areas are located in the northern part of Rivers State mainly between the Niger Delta and Igboland.

There are six major groups or clans in Etcheland – Igbo, Ulakwo/Umselem, Ozuzu, Mba, Okehi and Eberi – Omuma. While in Ikwerreland there are seven major groups – Elele, Isiokpo, Rumuji, Emohua – Ogbakiri, Aluu – Igwuruta, Akpor and Obio. Both people are closely related in terms of their socio-cultural and political affinity.

However, the Ikwerre and Etche environment have witnessed series of conflicts that is peculiar to other ethnic groups in Nigeria. Nevertheless, those conflicts were managed and settled through the application of indigenous conflict resolution mechanisms such as the age grade systems, village assembly and the oracles. Hence, these approaches are still prevalent in Ikwerre and Etche nationality, there exist a relative peaceful co-existence among the people as neighbours.

As the scope span from the pre-colonial to post-colonial era, it indicates that Christianity and western education did not eliminate the traditional practices of the people which guide their political and judicial systems.

### *1.1. Conceptual clarification*

It is evident that there is no ethnic group in human society where conflicts do not exist. Okpaga [2] posit that conflict is an inherent characteristic of societies that constantly make efforts to manage themselves so that they would not lead to societal disintegration. Similarly, Bamikole [3] defines conflict as the struggle over rules and claims to scarce status, power and resources in which the aims of the opponents are neutralize, injure or eliminate their rivals. Also, Pruitt and Rubin [4] see conflict as a seedbed that nourishes social change.

Nevertheless, conflict could also refer to any disagreement, misunderstanding or disturbances between individuals, group of persons, communities or ethnic groups capable of creating insecurity if not properly handled, while conflict management on its own refers to long term management of intractable conflicts. It could also imply approaches or mechanisms applied in addressing issues of conflict. Hence conflict cannot be completely eliminated in any human society, conflict management could therefore be referred to as a continuous process adopted to achieve sustainable peace under a conflict or crisis situation.

### *1.2. Theoretical framework*

There are several theories used by scholars in the study of indigenous African society. But for the purpose of this study, functionalism theory appears to be the most appropriate. Functionalism as a structural theory sees the organization of society as more important than the individual. The theory explains that individuals are born into society and become the product of all the social influences around them as they are socialized by various institutions such as family education, media and religion.

Functionalism which perceives society as a system and a set of interconnected parts which together form a whole, there is therefore a relationship between all parts and agents of socialization which together work to the maintenance and survival of the society. Radcliffe (1965, as cited in Andah [5]) used functionalism to explain African society with the functional interdependence of component institutions of a society. While Malinowski in the study of functionalism in relation to Africa posit that the use of native vernaculars, rather than dependence on interpreters remains the best approach to the existence of a society. Similarly, structural functionalists such as Radcliffe Brown, Meyer Fortes and Marx Gluckman emphasized that functions must be related to the structure of society [6].

Relating this to the subject of study, the traditional political and judicial structures which exist among the people play prominent role in the conflict management of the two ethnic groups that exist in Nigerian environment, hence the importance of the indigenous institutions to the survival of the society is inevitable. Nevertheless, in support of Malinowski's view, Etche and Ikwerre nationality adopt their dialects for better understanding in the administration of traditional governance.

## **2. Method**

The approach used in this study is a thorough literature review with an emphasis on indigenous political and judicial systems as possible tools for managing conflicts in the Nigerian context. From 1500 to 2000, particular attention is given to the experiences of the Ikwerre and Etche ethnic nationalities. Numerous sources are included in the literature study, such as books, scholarly papers, government reports, and historical records.

The first section of the paper examines the historical development of the indigenous political and judicial systems among the Etche and Ikwerre ethnic groups. It traces these systems' history over time and looks at their customs, practices, and dispute resolution principles. It then explores these indigenous systems' limits and efficacy in handling disputes in the Nigerian context. This entails evaluating the benefits, drawbacks, and cultural applicability of indigenous conflict resolution techniques via the analysis of case studies, ethnographic narratives, and comparative research. The literature study also examines how colonialism, modernity, and globalization have affected indigenous political and judicial systems, taking into account the ways in which outside forces have molded and changed these age-old establishments throughout time.

Overall, using historical, anthropological, and socio-cultural viewpoints, this study uses a literature review technique to offer a thorough examination of indigenous political and judicial systems as possible solutions to conflict management in the Nigerian context.

### 3. Results and Discussion

#### 3.1. Political organisations of the people

In Etche and Ikwerre, political organization is based on gerontocracy (government by elders). The philosophy behind gerontocratic leadership started when elders usually met and took decisions on behalf of others. The elders, seen as intermediaries between the living and the dead by the people of Etche and Ikwerre are accredited representatives of *ala* or *ali* and are expected to avoid taboos in order to keep the society in its true state. The household is another political system in Etche and Ikwerreland. It forms an economic unit of its own depending on the resourcefulness of the husband as well as the cooperation of the entire household.

Similarly, the sub-lineage (Umunna or Rumunda) is also a significant segment in Etche and Ikwerre traditional political organization. The Onyeji *ofo* or *nyeji owho* is the rallying point of the kinship hence the eldest male co-ordinates the affairs of the ethnic group and all members of the "extended" family look upon him as the head or leader. Direct democracy is practiced here when all the adult men participate in the deliberation of their affairs. The *ofo* or *owho* signifies symbol of authority, right conduct, justice and a continuing relationship between the living and the dead. The belief about *owho* among the people of Etche and Ikwerre is that *ofo* or *owho* has been set aside by Chukwu *okike* or *chiokike* (God) to symbolize good conduct, sacredness, procreation and indestructibility [7,8].

The holders of the staff of unity (*ndi-ji ofo*) in Etche and Ikwerreland act as intermediaries between the living and the dead and they are morally bound to offer regular sacrifice to the community on behalf of the Umuanna or Rumunda for their good health, good harvest, progress and procreation.

Traditionally, the *ofo* or *owho* among the people (Etche and Ikwerre) serves as a means of prayer or petition to the fore-fathers, a means of administering oath taking under grievous offences and seldomly it is used for administering curse. To maintain the power of the *ofo* or *owho*, the holders must maintain sanity, holiness or uprightness, trust worthiness and judiciousness.

Notably, it is a common feature in Etche and Ikwerreland that the position of an *ofo* or *owho* holder follows the principle of primogeniture (at the death of the family head the eldest person in the family automatically takes over) (Okafor, 1992:3). Other essential

political institutions in Etche and Ikwerre are the village and the village group. Political activities revolve around these two social groups. The village is a social unit consisting the lineages, while a village group is an agglomeration of individual villages to form a broad political community. But in making official reports or taking decision, the word town is used. Government at this level is by direct democracy and the system is still in vogue today.

A representative system of government is adopted in Etche and Ikwerre at the village group level, made workable through the principle of equality among the associating villages and through the principle of equal distribution and equal contribution of material resources for the upkeep of the community.

The meetings of the village and the village group are not regular. The place of meeting among the people of Etche and Ikwerre is the village square and the market. Decisions taken at the meeting are based on the principle of collective responsibility. The village council or council of elders (*ogbakor eleji owho* or *ofo*) is also another segment of the political institution that exist among the people. It comprises all the heads of sub-lineages or extended families in the village presided over by the village head (*onye-we isi ala* or *nyewe-ali*) who must be the eldest man in the village. In the council much importance is attached to age and any individual or individuals who ignore this rule would do that at their own risk hence fines or penalty are imposed for the offence. The village priest (*eze agbara*) also participates in the council of elders.

The office or the position of *eze agbara* is exclusive to a particular kinship group in Etche and Ikwerre. The village or town priest (*eze agbara*) makes regular sacrifice to the earth deity (*ala* or *ali*). He (*eze abgara*) divines and interprets the wishes of the ancestors and gods or the village. Any person who commits abominable offences (*nso ali* or *ala*) is punished according to the traditional rules and practices. The *eze agbara* also administers oaths to people accused of witchcraft, poisoning etc. He is also responsible for upholding the immutable laws of the land (*omenala* or *omenali*).

Age groups (*Ibe* or *uku*) is another veritable political institution that exists among the people referenced in the study. In both areas, children born within two- or three-years gap are grouped into an age group. For example, in Etche some traditional age groups are *Igwe bu-ike*, *Ibe anya* etc., while the Ikwerre people have *nku Egburu*, *huo*, *uku amuma* and *oha*.

Age grade are responsible for carrying out the social services in the communities of Etche and Ikwerre, hence age grade is assigned to perform specific functions in the society. The younger age-grades are responsible for defence during wars and also responsible for the provision of night guards and social amenities such as construction of markets, roads and water. The execution of legal decisions in the village is also under the responsibility of the age grades. Apart from the above functions, most age grades in Etche and Ikwerre also organize wrestling matches and presently football matches (Wobasi, 1993:51-54).

Secret societies such as the *dibia* fraternity, *nmanwu* cult and *obono* cult also avail themselves in the traditional political institutions in Etche and Ikwerre. The secret societies are said to be closed societies; that is membership is not open to every person. The few that get admitted or initiated pass through rigorous screening. One common feature of the traditional secret societies generally is the influence they tend to exert on the administration of the people [9]. The *dibia* fraternity is a society of medicine men, while the *nmanwu* cult is a society of masquerades. The activities of the traditional secret societies are mainly limited to each group.

Associations such as the Ogbakor Etche, Etche Development Association (EDA), Ogbakor Ikwerre and Ikwerre Development Association (IDA) shall not be left out in the discussion of Etche and Ikwerre traditional political institutions. The Ogbakor Etche and Ogbakor Ikwerre are the umbrella bodies in the respective areas where matters could be discussed and implemented. But at the village, town and clan level, there are many

associations that contribute to the political system in Etche and Ikwerre. The Ogbakor Etche and Ikwerre consist of all the respected sons and daughters of the land (Etche and Ikwerre), see to the development of their respective areas, settle communal crises and chieftaincy disputes.

The town crier (*oku-ekwe*) being the disseminator of information is also a veritable instrument in the traditional political institution of the people of Etche and Ikwerre. Among the two groups of people, it is the Oku-ekwe that performs the role of the Public Relations Officer. Based on the information of the Oku-ekwe, the people of Etche and Ikwerre gather at their village square or the market square to discuss issues concerning their community.

### 3.2. Judicial system in Etche and Ikwerre

In the judicial system of the people of Etche and Ikwerre, there is no specialized court responsible for judicial matters. The legislative, executive and the judicial arms of government are fused together, hence Green [10] states:

There seems to be no specialized institution for the function and one meets again the fact that a group of people met together for some economic purpose such as a market or some traditional purpose such as second burial will use the occasion of meeting to discuss public matters. It is as through the *res-publica* were gradually emerging from the spheres of kinship group, but if specialized institutions are hard to discover, this is not to say that the Igbo do not make and proclaim laws.

But there are known institutions to which judicial matters could be referred. They include the age grades, *dibia* fraternity, village elders, oracles etc. Among the people of Etche and Ikwerre, there are two main classes of offences:

- 1) Offences against the community which are regarded as abominable (*nso ala* or *nso ali*), and
- 2) Private wrongs (against individuals) – assault, debt and adultery, outside the kinship group.

These classes of offence are supported with the saying:

“Legal rules are of two main classes and are recognized as such. There are those which might be called ordinary human laws and those whose breach is held to be not only illegal but also offence against a supernatural power particularly *ala*, the land. Of the perpetrator of such an offence it would be said *omeruru ala* – he polluted the land. Such offences are usually said to be *nso* – taboo and are distinguished from merely natural offences” [10].

One of the abominable offences (*nso ala* or *ali*) that comes to mind in Etche and Ikwerre is theft. The adjudication varies according to the nature of the theft. If a man steals from a kinsman the victim will summon the kinsmen and report the culprit to them whereby the thief will seriously be warned and vigorously rebuked, if what was stolen has little value. But when the thief is caught red-handed, he is carried around (while naked) the village with the stolen property conspicuously exhibited, while passers-by curse, ridicule and spit on him. Beside the above punishments, Etche and Ikwerre also impose fines – a jar of palmwine, one or two bottles (*kaikai*) local gin depending on the gravity of the case, one goat, a carton of beer, a create of mineral, kolanuts, alligator pepper, etc. on the culprit or the loser of the case.

Before any penalty is pronounced on a thief in either Etche or Ikwerre, there must

be substantial evidence showing that he is guilty of the offence. When evidence against a suspect is not convincing, the suspect is made to swear an oath which will last between six months to one year duration of the oracle used to administer oath. If nothing happens to the suspect during the period stipulated, his innocence is regarded to be proven and the accuser is expected to pay some fine to cleanse the accused.

In the case of murder in Etche and Ikwerre, immediate retaliation shall be made by the kins of the murdered person on any member of the murderer's kin if the accused escapes. In the absence of immediate retaliation, the murderer's house is destroyed and he is sent out of the community on seven years exile.

Sexual intercourse with relations, brother's or cousin's wives when the husband is alive is a grave offence that attracts heavy penalty for the culprit; such as one cow, goat, palmwine, local gin, kola nuts etc to the community. Sometimes the culprit could be asked by the community to pay a fine between fifty thousand (₦50,000.00) naira and seventy thousand (₦70,000.00) naira only to the victim (husband). But if the sexual intercourse occurs between relations, they will appease the gods of the land – *ala* or *ali* according to traditional rites (Okafor, 1992:8).

Sometimes, private wrongs could be frequently settled by securing the personal arbitration of some wealthy men or chiefs who had built up their reputation for judgement. Parties to the dispute appear before them in order to secure successful settlement of dispute in their favour. They (wealthy men or chiefs) co-opt responsible men with whom they arbitrate on matters brought to them.

Whether abominable (*nso ala* or *ali*) cases or not the *agbara* (oracle) – *amadioha*, *Uhzie*, *Otamiriochie*, *ala*, *gbodogbo*, *ojuku*, *Diobu*, *Ojukwu Ogbakiri*, *Minigiri* Emohua etc. are the highest court of appeal in the mentioned traditional societies. Traditionally, when all the recognised judicial forces in the areas (Etche and Ikwerre) fail to resolve the issue to the satisfaction of both parties, appeal is then made to a supernatural arbiter. Here the accused person swears his innocence by invoking the oracle. Whatever is the point of the legal matter, the accused shall swear thus:

“In the name of the oracle, based on what my father told me,  
and what I saw, if this property (say land) is not mine, let me  
die in the course of this oath”.

Then, if the person who took the oath survives beyond the stipulated period, the property becomes his, but if he dies, the property goes to the accuser.

#### 4. Conclusion

In the analysis of the administrative system of the people, it is evident that their traditional political system remains decentralized and has no specialization in achieving effective governance for the survival of the society. Nevertheless, the people (Etche and Ikwerre) organize their political system through the elders, household, the Umunna or Rumunda, Ofo or Owho title holders, the village and the village group, socio-cultural associations and secret societies. Because of the nature of their political system, village democracy remains inevitable.

Also, in Etche and Ikwerre judicial system, offences are grouped into two – the abominable (*nso*) offences and the private wrongs. The machineries for the dispensation of justice in Etche and Ikwerre are the traditional political institutions. Moreover, the *agbara* (oracles) are perceived as the highest court of appeal to seek for redress traditionally.

Finally, it is therefore evident that the application of both the indigenous political and judicial systems of the people contribute immensely to the unity, stability and relative peace that prevails in Etche and Ikwerre nationality; thereby contributing to conducive and habitable environment in the Nigerian State.

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