

The State and the Processes for the Resolution of Chieftaincy Disputes: Taraba State Model

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Abstract: Traditional institutions and rulers have played important roles in development administration of States in Africa. But the politics of each community has also made the institutions not to be free from some kinds of conflicts and the multiplier effects of such conflicts. Consequently, modern government has not ignored the traditional institutions as part of its development programs to ensure that no community underdevelops itself and indeed the State as a result of conflict. State Governments in Nigeria have put in place structures and process to follow in resolving chieftaincy disputes. This paper is interested to find out the structure for administering chieftaincy institutions and the path for resolving chieftaincy disputes in Taraba State. The paper sourced its data from secondary and primary sources. The paper finds that whereas there is an elaborate system and machinery for conflict resolution, but some Chieftaincy disputes become protracted before they were resolve and some are still taking longer time to resolve in spite of the political efficacy of the elites in the State. Therefore with the creation of many graded chiefdoms as a measure to resolve Chieftaincy demands and disputes, both the communities that still have outstanding disputes, the Government and people should cooperate, and on the bases of equity and due process in matters of Native law and Custom resolve chieftaincy disputes to serve as deterrent to deviants. This would enable both old and new chiefs to settle down as agents of peace and development administration.

Keywords: Traditional Authority, Dispute resolution, Chiefdom, District, native law and Custom

I. INTRODUCTION

1.1 Background to the Study Traditional Authorities and Chieftaincy Disputes

Traditional authorities are symbolised by the existence of traditional rulers or leaders. They ascend to position of authority and power on the basis of tradition. The word *tradition* is defined as the handing down of mostly unwritten, custom, patterns of behaviour, practices, and beliefs that are valued by an ethnic or religious community. It is thus something of “old” or “ancient” (Microsoft Encarta Dictionary 2009). From the definition anything traditional is not a new creation. However, there may be some new elements in traditional matters and this comes in form of ‘custom’.

Custom on the other hand is a concept that recognises innovation in traditions. Custom thus is an *invented tradition* (Hobsbawm and Rangers (1994:1). It is a legitimate tradition that lacks historical evidence. It is not judged by time it was introduced whether recent or distant past but is a product of

legitimate change process that is accepted and used by the people. So any custom that lacks legitimate origin is bound to serve as a source of conflict as such needs to be revisited by due process for change. For example the search for a “suitable” prince is by looking for a prince who is young, energetic or has higher or new educational training (like being a graduate, master or doctorate degree holder), or should have new religious orientation (like he must be a Christian or Muslim) or vocational skills (like he must be a lawyer) are considered innovations that makes a prince a better candidate than a prince that lacks any of these. Such requirements or considerations though are not old or ancient, are customary in making a choice of a traditional ruler or leader (Ahmed-Gamgum, 2016).

On the bases of time and circumstances scholars and administrators have defined who a traditional ruler is. On the bases of time the Oba of Benin His Royal Highness Erediauwa cited in Saidu (2015) defined a *traditional ruler as a person who by virtue of his ancestry position occupies a 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*. On the bases of circumstance, modern Government statutes for instance in Bauchi State defined a traditional ruler as the traditional head of an ethnic unit or clan who for the time being the holder of the highest traditional authority whose title is recognized as a traditional ruler by government of the State” (Saidu 2015). In Taraba State on the bases of both long time of ancestry action and circumstance of government action a traditional ruler is defined as

the person who by virtue of his ancestry occupies the throne or stool of an area; or (b) the person who has been appointed to such throne or stool in accordance with the custom and tradition of the area and has traditional authority over the people of the area; or (c) any other person appointed by an instrument or order of the State Government to exercise traditional authority over an area or a tribe in the State recognized as such by the Government of the State (Taraba State Local Government Law 2000).

From the above definitions a chief therefore is a person who is appointed in accordance with a validly made native law and custom / Government order to rule over his people and area, and after Government recognition he becomes a paid staff of the Government whether colonial or post-colonial.

Consequently, like any other civil servant the chief first owns allegiance to his employer and then to his subjects who supported and accepted that the chief should be their legitimated leader to rule over them.

Canada Immigration and Refugee Board of Canada (October 2, 2013) observed that in Ghana the process of recognizing a chief varies from region to region. In Northern Ghana it requires an eligible and chosen candidate from a royal family whose turn is to rule to undergo a process referred to as *enskinment*. That is the chosen candidate would have to sit on an animal skin. In Butin Southern Ghana it is called *enstoolment* because the chosen candidate has to sit on a stool. In view of processes disputes arise when the process is not carried out in accordance with this tradition and where a particular royal family monopolizes the power and does not allow another eligible family to come into the process whereas it is her turn to do so. The State intervenes where there is dispute over processes or when disputes may lead to the destruction of lives and properties. The State through the Police arrange for protection by arresting and charging culprits to courts.

Chieftaincy dispute as seen in the context of the present article refers to a wide range of disagreement and conflicts that are associated with the creation of chiefdoms, appointment and deposition of Chiefs, cabinet and honorary traditional title holders, and other matters relating to a traditional ruler's stool and area of jurisdiction. Indeed the origin and development of most traditional systems of authority in Nigeria dates beyond colonial rule while some are based on the relevant regional/State Government legislation and installation of Chiefs as the case of recent creation of chiefdoms and appointment of Chiefs for example in Kaduna , Kano, Taraba States. In the period before colonial rule some communities experienced conflict which were mostly inter-tribal in nature and ended in chieftaincy disputes between tribes where there was continual resistance against conquest traditions. And following the introduction of colonial rule, the authority of some chiefs extended beyond their traditional area of authority because of recognized conquest. For some their effort to conquer was terminated by the emergence of colonial rule as such they could not establish a territory beyond their ward as they were merged under paramount ruler (s) as a requirement for hierarchical administrative organization. Still for some others, their authority further enhanced as a result of indirect rule system as they became chiefs in charge of District level Chiefdoms and Presidents of Federated Native authorities. Be that as it may the power and authority of traditional rulers generally deteriorated in the post-colonial era and following the local government reforms of 1976 which striped all traditional rulers of their executive, legislative and judicial powers for modern government tiers and arms of Government. Since then traditional authorities have making advocacy for Constitutional recognition and Constitutional functions. Notwithstanding, while they have not been granted Constitutional powers and functions in

modern arms of Government, the State Governments have made local government laws which have given traditional rulers some complimentary advisory functions at the local and State levels and well as composed traditional Councils. Also on the bases of other Laws like the Chiefs (Appointment and Deposition) Laws adopted by most States in Nigeria, State Governments have been given powers to grade Chiefs hierarchically.

1.2 Statement of the Problem for this study

Whereas through Government actions the number of recognised traditional authorities has increased in the post-colonial era, unfortunately, in spite of the powers at the disposal of the State Governors, traditional rulers and councils as custodians and advisers to the Governor, there are increasing challenges of Chieftaincy disputes within Chiefdoms and the State.

In the colonial period traditional rulers were given executive, judicial and legislative authority but in the post-colonial this authority was no longer given to them. Nevertheless their views and directives are still being respected by a majority of their subjects. It is as a result of this respect that in critical periods of insecurity conflicts, political instability and campaigns, the State uses traditional institutions to communicate to their subjects to maintain law and order as well as mobilize the people to support the ruling elites, participate in social programmes such as polio immunization, tax payment, and community development activities. Conversely, traditional rulers have been told they would be responsible for negligence of duty if they fail to stop the occurrence of inter group violence in their domains. During the recent Tiv-Jukun crises the President of the Federal Republic of Nigeria directed that the Tor Tiv and Aku Uka and other critical stake holders should meet to put a stop to the violent attacks from their subjects. Furthermore, in spite of the existence of traditional rulers there are increasing cases of intra and inter-community violent conflicts which further raises doubts as to whether they are capable institutions for conflict resolution. Curiously, even within traditional institutions there seem to be increasing number and variety of chieftaincy disputes. Some of the cases have been tabled at the Courts and some are before the State Governments. While some have been resolved some have not been resolved and have gone protracted leading to the feeling of cultural genocide, frustration and more inter-ethnic violence. Worried by the trend of protracted disputes some communities have appealed to their Sate Governors to create more Chiefdom where their tribe's man would be made a graded chief and in some parts of the State, Government action or inaction to the demands resulted in protests and violent attacks between some ethnic communities. The questions for this research on chieftaincy disputes and ways of resolving them are:-What are the features, characteristics or attributes of traditional institution that makes it a culturally attractive institution?

- (i) What are the types of chieftaincy disputes that existed in Taraba State?
- (ii) Has the state Government actually established agencies to assist traditional authorities and indeed aggrieved members of each community to meet for the resolution of their grievances on chieftaincy matters without resorting to violence?
- (iii) Has the traditional authorities and the State Government been challenged to perform their statutory functions very well and timely, or are waiting for another round of violence to take place?

1.3 Methodology

This study is a basic research which focuses to address real life problems. In doing so the study relied on primary and secondary sources of data. By primary it carried out oral interviews with chiefs, elders and some other custodians of culture and tradition of the people. In respect of secondary sources, data was also collected from government panel reports, text books, articles and policy documents on the subject. The technique of *Content analysis* (https://en.wikipedia.org/wiki/Content_analysis) is used in this paper in determining the manifest and latent contents to uncover their meanings and implications, the authenticity or reliability of communications (data/information) as contained in documents and artifacts. The merits of content analysis is that unlike the method of simulation the advantage of content analysis in social science is that it is non-invasive of people's privacy. It complements the process of interviews and surveys which are invasive by nature. To increase theoretical ingredients often regarded as lacking in content analysis, the interpretation of data will be supported by *multi-disciplinary approach/perspectives* in explaining Government actions and inactions as well as the reactions of the public on how chieftaincy disputes were resolved or not resolved in Taraba State. At the end conclusions were drawn and answers to our research questions were presented.

Objective of this Study

Based on our methodology, the objective of this study is to explore the underlying meaning of words, concepts, and selected texts. The method of *content analysis* as stated under methodology above, gives room for understanding the circumstances that produced the text, understanding who the author of the communication is; the influences on the author, his perception in relation to the social issues at stake, the laws, policies and the state of things after the communication was made. The objective of this paper is also to reveal the characteristic of the message like classification, labeling/coding of messages to count common trends in decisions and resolution made. This may labeling popular or unpopular values of communications or issues, show contradictions where available and present reliable/qualitative / synthesized information that most agrees with policy standards, which was used or will be used for assessment and resolving disputes.

1.4 Literature Review

Miles (1993) studied the evolution of chieftaincies, particularly as an agent of development administration, in West Africa (Niger and Nigeria) and Melanesia (Vanuatu); and focusing on the distinctive policies of their colonizers (French and British colonial regimes) in respect of how the chieftaincies were used. From the study he presented five modern functions or contribution of traditional rulers to development administration viz:- 1) *linkage or "brokering" between grassroots and capital*; 2) *extension of national identity through the conferral of traditional titles*; 3) *low-level conflict resolution and judicial gate-keeping*; 4) *ombudsman-ship*; and 5) *institutional safety-valve for overloaded and sub apportioned bureaucracies*. *Creating educated chieftaincies significantly enhances the effectiveness of traditional rulers' contributions to development and administration* (Miles 1993)

According to Alo (2014) that before 1933 chieftaincy disputes, social disorder and high rate of litigation in courts over chieftaincy constituted an embarrassment to the colonial government. To reduce this menace the government promulgated "Chieftaincy Disputes (Preclusion of Courts) Ordinance" to regulate chieftaincy disputes. It excluded chieftaincy cases from being heard at the courts. By implication it prevented the activities of lawyers in chieftaincy disputes. But the Preclusion Ordinance was not able to exclude chieftaincy cases from the courts and it was not able to keep lawyers away from helping to file chieftaincy litigation at the court. Eventually the courts significantly contributed in resolving chieftaincy contestation.

Bolaji (2016) studied the Owo Chieftaincy crisis in Ondo State Nigeria and the Dagbon kingdom dispute in Northern Ghana. Similarly Ladouceur (2014) studied the Yendi Chieftaincy Dispute and Ghanaian Politics of 1969. Both authors independently observed that one of the causes of chieftaincy disputes is the politicization and manipulation of traditional chieftaincy by the ruling elites. It started under colonial rule and it was increased or was escalated by military and civilian regimes after independence in Ghana and Nigeria. The effect of this was violence which resulted in loss of lives and destruction of properties.

Notwithstanding, when a chieftaincy dispute started and what the causes were, the present writer is of the view that every conflict needs to be objectively examined and constructively engaged for a lasting solution so that justice, peace and development to thrives.

Bukari (2016) observed that in Ghana there are many chieftaincy conflicts and most of the conflicts have to do with quest for traditional power (chieftaincy): succession struggles for ascension of traditional political power stool. However, his study drew attention to the case of the kingdom of Bulsa where there is no chieftaincy conflict. This non conflict and stable status of Bulsa traditional area is attributed to the "adoption of a voting system that leads to consensus based decision-making

Generally, Agyenau-Duah (1997), Prah & Yeboah, (2011), Bukari (2016) Boakye (2019) identified the causes of chieftaincy dispute in Ghana. In particular Bukari (2016), states that the conflicts are intertwined with inter- and intra-ethnic conflicts that mainly revolve around the quest for traditional power" ... The root of the conflicts is the increasing importance of chieftaincy in the post-colonial life of a people: who during colonial rule were forced under the rule of other ethnic groups. As for Baokye (2016) he laid emphasis on the causes of chieftaincy disputes and why the State has failed to resolve the Ga Mashie chieftaincy crises. That is because of politicization tendencies. Angyenaum-Duah (1997) asserted that most persistent, intractable and often violent conflicts tend to occur over land acquisition, ownership and succession bids.

Nachinaab and Azumah (d. n. a.) assert that Chieftaincy disputes have multiple long and short term impacts on women and children at various levels of our society, and it gulps a lot of State resources to solve problems associated with the dispute. To forestall future occurrence he said government should strictly comply with the correct rules governing the selection process.

II. FINDINGS AND DISCUSSION

2.1 Attributes and Features of Traditional Institutions

Traditional rulers carry out their functions on the bases of some generally acceptable principles which have produced some appendage features for the institution. Some of these are:-

- (i) A belief on God as the source of the authority of traditional rulers. Consequently, the people consult and obey the traditional ruler. His duty to rule is sanctioned by God,
- (ii) the traditional ruler is a father and
- (iii) he has a loyal administrative and or military staff in which the ruler uses to enforce his will.
- (iv) Each traditional stool has other historical past that sustains it within his area of jurisdiction.
- (v) The chieftaincy stools have traditional title/names for which the traditional ruler is differentiated from others chiefs, for example in Taraba State these titles exist: Emir, Aku, Ukwe, Kwe, Gara, Tii, Kpanti, Dah Kpangsanwi, to name a few. The chiefs also wear big gowns that portray royalty
- (vi) A chief has his area of jurisdiction.
- (vii) There is a rule that there must not be two paramount chiefs living and controlling the same capital city and the same outlaying area of jurisdiction
- (viii) The Leadership style of the traditional rulers exhibit despotic and authoritarian approach in other to have control of his subject.
- (ix) There are appendage institutions that assist in providing due process for stability in regime of traditional rulers. These are:-

- a. Existence of Council of elders,
- b. Existence of Royal / Ruling Families or Houses, There is a general social order that there is only one tribe that ascends the throne by inheritance through ruling families
- c. Existence of some roles for women in traditional administration,
- d. Existence of Traditional Selectors and Kingmakers,
- e. Existence of period within which the selection and installation of a traditional Ruler
- f. Existence of a time and rituals towards burial of chiefs. Some rituals when performed are not to be seen by the mass of the community members especially women.
- g. Existence of Cabinet rank ministers, administrative Staff as machinery for enforcement of his will.
- h. Existence of Community standing army/vigilante

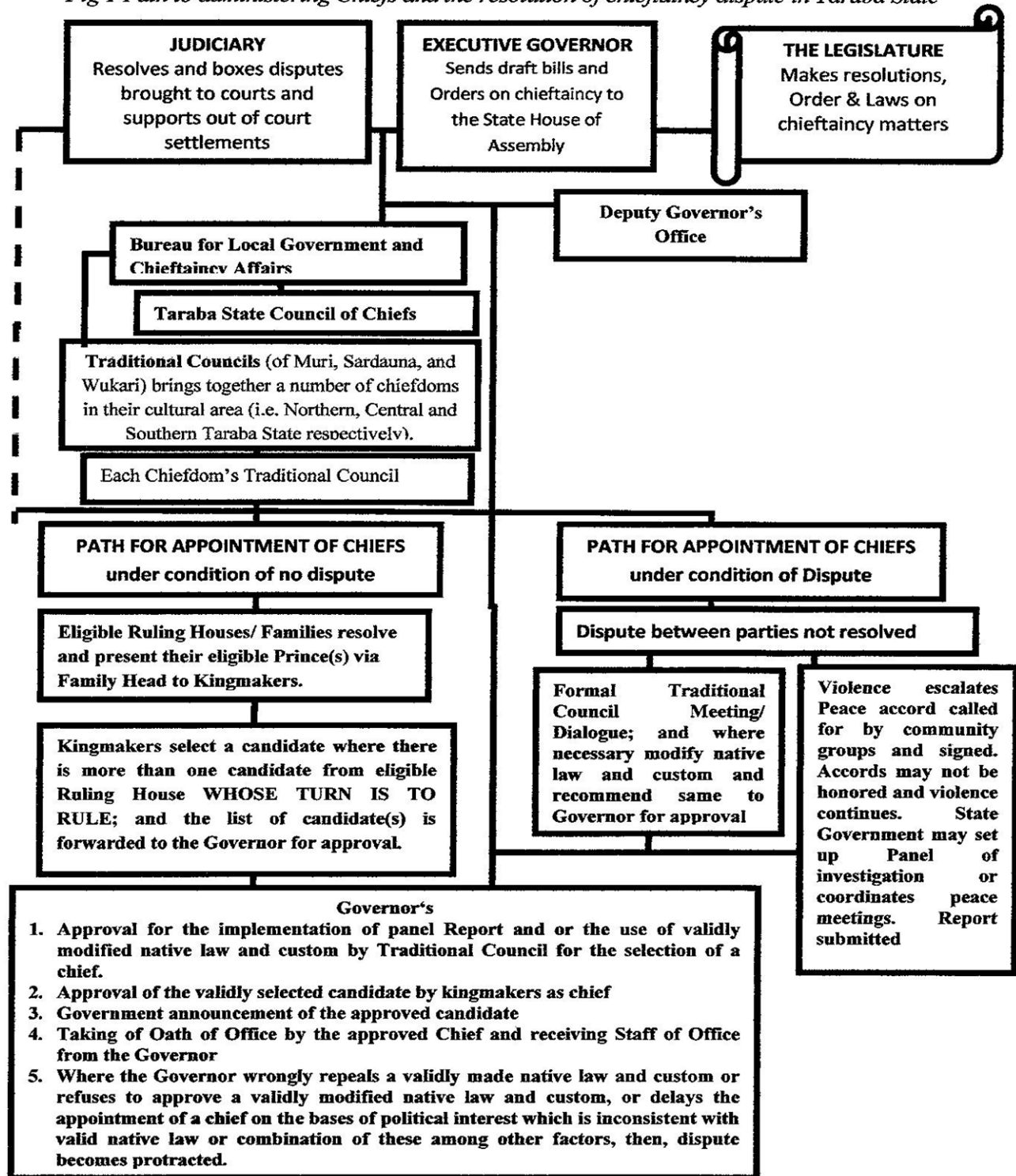
- (x) There is hierarchical organization of traditional rulers. At top is the paramount graded chief of the Chieftaincy. His subordinates are District Heads, Village Heads and the least is the Ward head. And so is the channel of communication.
- (xi) Lower rank chiefs and title holder belong to traditional councils at various levels they qualify to belong.
- (xii) There is role differentiation in the chieftaincy. Chiefs carry out Government functions such as executive, Legislative and judicial functions but fused under one traditional rulers. However the power is delegated to lower grade traditional rulers to use in their subordinate areas of jurisdiction on behalf of the paramount chief.
- (xiii) With the halt to conquest traditions ad from the beginning of colonial regime the Government became the source of creation of new chieftaincies through constitutional processes. The process includes the grant of consent of the chief and his people. Like the modern demands for the creation of chieftaincies, districts and wards which was approved by the State Government.
- (xiv) The non-compliance or wrong usage of the above principles has either led to disputes and deposition of chiefs or the stimulation of inter-tribal wars. The following are the major and specific modern causes of Chieftaincy dispute. While there is on the right hand side of the Chart a box on operation under condition of dispute. The model's operation is further explained below.

2.2 Executive Arm

In the three arms of Government namely the Executive, Legislative and the Judiciary, the Governor is shown in the

central top rectangles (fig 1below). The Governor is the chief executive officer of the

Fig 1 Path to administering Chiefs and the resolution of chieftaincy dispute in Taraba State



Source: The Present Author

State and is the clearing house for all chieftaincy disputes. He may send draft bills and Orders on chieftaincy matters to the State Assembly. It may be for creation of Districts and Chiefdoms and the grading of chiefs as provided by the Chief appointment and Deposition law CAP of 1997 and Taraba State Local Government Law 2002. He coordinates traditional rulers through the Bureau for Local Government and chieftaincy affairs and received pieces of advice from traditional Rulers through the Taraba State Council of Chiefs and Emirs as well as Traditional Councils under the respective graded chiefs

Under Condition where there is No Dispute

In filling vacant chieftaincy stools under this condition, there is expression of interest by eligible princes who wish to be made the king of his people and area of jurisdiction. The politics of struggle for power is democratically resolved at the ruling family level by consensus. It becomes a matter of dispute when persons who are not eligible try to covet the title. However, for a smooth resolution, all interested parties in the kingship are coordinated by the family head /Spokesman of the ruling families. The Spokesman presents their decided candidate (s) to the traditional King selectors called Kingmakers. On receipt of the ruling family results and where there is more than a candidate the Kingmakers engage in the next round of selection from the submission of the ruling families.

Under Condition where there is Dispute

The Governor according to the Chiefs (Appointment and Deposition) Law 1997 has the right to be the final judge of chieftaincy election disputes. However he is expected to consult with the concerned community elders responsible for the selection in accordance with native law and custom for their recommendations; or where there is need to modify the native law and custom, the Traditional Council shall recommend a modification to Governor for approval or the Governor establishes investigation committee (s) and thereafter the Committee submits her reports before the Governor declares his judgment.

Due Administrative Process for the Modification of Native Law and Custom as a means for Dispute Resolution

In pre-colonial times the Head Chiefs were a personification of ethnic-state and sovereign entities. And most of the Chieftaincy stools originate from tribal native law and custom and have their occupants selected according to unwritten but traditional native law and custom of the tribe which the stool originates. Over the years, with the introduction of written laws, Section 49 (1), of the Laws of Northern Nigeria, Native Authority CAP 77, 1963 requires that

A native authority may and where the Governor so requires, shall record in writing a declaration of what in its opinion is the native law or custom relating to any subject either as applying throughout the area of authority of the native

authority or in any specific part thereof or as affecting specified persons or classes of persons in such area or in any part thereof and submit such declaration to the Governor” (2) A native authority may if it considers it expedient for the good government and welfare of the area of its authority submit for the consideration of the Governor a recommendation for the modification of any native law and custom”,... ”whether or not a declaration has been submitted and an order made under the provision of this section in respect of such native law or custom”(Northern Nigeria Government 1963a).

Similarly the same provisions of the Northern Nigeria Native Authority Law 1963 as quoted above, was adopted in Gongola State Local Government Law 1977, and currently as Section 86 (1) of Taraba State Local Government law 2000). It is within the purview of traditional rulers and Council to have a say on the modification of Native law and Custom whether or not there is an existing order relating to a chieftaincy. These provisions has served as the basis for evaluating the validity or otherwise of government actions or inactions relating to the process of modification and declaration of Native Law and Custom in Taraba State.

The implication of such documentations according to some legal experts/Authorities in respect to Chieftaincy stool is that chieftaincies no longer become strictly governed by native law and custom. As such section 3 of the Chiefs Appointment and Deposition Law CAP 20 of 1963 could not be applicable except Section 4 thereof. This is because such gazette stools /native laws and customs have become creation of Statute of the State (Taraba State Government Administrative Commission of Inquiry Report 2006). This has also made some communities believe that due process/procedure can be by passed and government can do as it likes without consultation with the people that matter.

However, another legal perspective is that, this power of the State is not absolute and so should not be arbitrarily used to make it amount to abuse of office, (which the *Code of Conduct of Public officers* as contained in Paragraph 9 of Fifth Schedule of the 1999 Constitution of Federal Republic Nigeria (As Amended) does not support abuse of office. The Constitution therein states “9. A public Officer shall not do or direct to be done, in abuse of his office, any arbitrary act prejudicial to the rights of any other person Knowing that such act is unlawful or contrary to any government policy.” Government policy in respect to Chieftaincy matters is that there is a procedure that must be adopted so that whatever the State Executive Council /Governor approves is first declared and recommended by the native authority of the people whom such creation of statue is to govern. Failure to consult the ultimate community has often resulted to rejection of imposed method/orders/gazette for the selection of chiefs.

Secondly, another policy in colonial and post-colonial period, the Regional /State Government is to ensure that the declarations or modification which the government would approve or has approved as the native law and custom is should be an accurate record of the native law and custom or the modification submitted by the native authority is *expedient ... not repugnant to justice, equity or good conscience or incompatible either in its terms or by necessary implication with any act or law* “ (Section 49 (3) The Laws of Northern Nigeria, Native Authority CAP 77 of 1963; Section 86(1); Section 91 (1) (g) (i) and subsection (2) of Taraba State Local Government Law 2000). It is in that respect that the Wukari Traditional Council in compliance with Government directive made necessary consultation with Takum Native authority following the directive of the State Military Administrator that the Ukwe Takum should be selected.

Also with the emergence of modern state system, tribal **chiefs** and **head chiefs** lost their independence to the colonial and post-colonial State powers. As such their appointments had to be approved by the Superior State Governor, and oath of office had to be taken before a new chief enters office to perform official functions (Taraba State Chiefs (Appointment and Deposition) Law 1997: Section 7 and 8). In other words it is only when a chief has taken the oath that the chief has powers and prestige to act authoritatively within his Chieftdom. At this point, the chiefs exercise authority and the people are expected to obey. The Chief then serves as the mouth-piece of the Council of elders and cabinet rank officials (before war, peace etc. were made).

The Creation of additional Chieftdoms, Districts and Administrative Wards as means for conflict Resolution

The existence of chieftdoms and the creation of additional chieftdoms in Taraba State (Ahmed-Gamgum (2020) show that that the government has considered traditional institutions as requiring a touch of development activity of Government. Though while some communities may not be satisfied that their chief’s traditional area of jurisdiction have been reduced, nonetheless the creation / reforms of chieftdoms districts and traditional village areas and wards has more advantages than disadvantages. For instance, it resolved the dispute between village heads that were competing for recognition as District head and putting their subjects in shame (Concerned Kpambo Community 2018).

The Establishment Composition and Functions of Traditional Rulers and Emirate Councils

Though the Constitution of Nigeria 1999 has not given Constitutional powers to Traditional rulers, nonetheless the State Government through legal instruments has provided functions for traditional rulers. At the local government and chieftdom level, the Government established and defined the composition of Traditional and Emirate Councils under Section 89 of Taraba State local Government Law 2000. As well as the provisions of Taraba State Upgradation of Traditional Rulers and Creation of districts Order 2005. Based

on the principles of intergovernmental relations in a federal system, the traditional rulers are expected to work in conjunction with other State agencies to make impactful contributions to development programs. The function of the Chieftdoms and Emirate Councils is provided under Section 91 of Taraba State Local Government Law 2000. At the heart of these function is promotion of development programs and conflict resolution.

Taraba State Council of Traditional Rulers

There is also established *Taraba State Council of Traditional Rulers* vide Taraba State Council of Traditional Ruler Law No. 7 of 2010. In terms of composition section 4(1) states:-

(1) The Council shall consist of the Aku Uka as the Chairman and other graded Chiefs as provided in the First and Second schedules of Taraba State Upgradation of Traditional Rulers and Creation of Districts (Order) 2005 and the Permanent Secretary of the Bureau for Local Government and Chieftaincy affairs as an ex-officio member

(2) Any graded Chief who shall be appointed after the commencement of this law in accordance with any law relating to chieftaincy matter

In respect to its functions, Section 5 provides that

(1)The Council shall have powers to advise the Governor on

- (a) any matter relating to customary Law;*
- (b) any matter relating to cultural affairs;*
- (c) any matter relating to inter-communal affairs and*
- (d) chieftaincy matters.*

(2) The Council shall at the request of the Governor advice him on

- (a) any matter relating to the maintenance of law and order within the State or any part thereof and*
- (b) such other matters as the Governor may direct*

(3) Without prejudice to the generality of the above powers conferred upon the Governor by paragraph (b) of subsection (2) of this section the Governor may direct the Council to advise him on:-

- (a) any matter relating to boundary dispute existing between two or more communities in the State;*
- (b) Any matter relating to a dispute between two or more communities in the State with respect to any interest in land or other claims of ownership;*
- (c) Any matter threatening or engendering the continuous existence of the social and cultural life of any community in the State and*
- (d) Any matter relating to religious affairs*

Following the appointment of most chiefs in the State to fill vacant positions of stools, the Governor consulted them and it is believed the Council's advices are considered in the process of the appointments.

Bureau for Local Government and Chieftaincy affairs

Another agency of the State which carries out a very important role in resolving chieftaincy dispute is the Ministry but now Bureau for Local Government and Chieftaincy affairs. For now the Bureau is located in the Governor's office and headed by a Permanent Secretary. In the past it used to be under the office of the Deputy Governor. During the selection by Kingmakers the Government is represented by the Bureau for Local Government and Chieftaincy affairs to act as observer. By ensuring that the method of selection of a new king is complied with. In most Chiefdom, the method is that when it is the turn of a Ruling family to ascend a throne in the event of vacancy, the ruling family shortlists a maximum of three candidates, where the interest is high among eligible princes. The names along with the Curriculum Vitae of the candidates are presented to the Kingmakers/traditional selectors who shall vote by open secret ballot system. The winner shall be the candidate with a simple majority of the votes. The name of the winner along with the Minute of the meeting indicating the composition of the Kingmakers/traditional selectors (as electoral college), the names of candidates who indicated interest to vie, the scores of each candidate, and the curriculum vitae and photograph of the winner is forwarded to the higher Traditional Council e.g. Wukari Traditional Council, Sardauna Traditional Council or Emirate Traditional Council depending on the location of the stool where vacancy occurred. The President of the Traditional Council in turn forwards the documents to the Bureau for Local Government and Chieftaincy affairs. The Bureau in-turn forwards the same documents with a covering memo to the State Governor for approval and issuance of appointment letter. A date for coronation and administration of oath of office by the Chief Judge of the State is to be approved by the Governor and the Bureau then goes ahead to make arrangement for the production of staff of office which shall be issued by the Governor.

Notwithstanding the above, the community also performs traditional installation rites. This includes sitting on animal skin or stone and visit to traditional sites depending on the community amidst festival of eating, drinking, and dancing.

2.3 The Judiciary/ and the Governor's Judgment

The Judiciary is the second arm of Government in the State It is responsible for resolving disputes brought to court. The decision of the court is binding until appealed against at higher Court and it succeeds. However, when chieftaincy disputes are taken to the wrong court which has no jurisdiction to entertain all issues raised, the case would not succeed as in case of the deposed Emir of Muri. The Emir first went to the Federal High Court Kano Division instead of the Gongola State High Court (Supreme Court of Nigeria, 1997).

Notwithstanding the power possessed by the Courts, the court also supports *out of court settlement* of disputes, more so that the Governor according to the Chiefs (Appointment and Deposition) law 1997, has the right to be the final judge on chieftaincy disputes.

Similarly, though the Governor is the final judge on chieftaincy disputes, the Governor according to the Constitution of the Federal republic of Nigeria 1999 (As Amended) is expected not to abuse his office. Accordingly, the Governor being aware of this would not be oblivious of the wishes of the people. Consequently, the resolution of the people through appropriate traditional institutions is often accepted by the Governor as his judgment.

2.4 The Legislature

This is the third arm of Government in the State. It is the responsibility of the legislature to pass resolutions which requires the Executive arm of Government to take urgent actions to solve problems. It is also the duty of the legislature to initiate bills or receive bills from Executive arm as well as private bills for deliberation; and where necessary pass the bills into Orders or laws as the case may be. In respect to Chieftaincy matters the Taraba State Local Government law 2000 specifically states the role of the legislature in chieftaincy matters thus:

"12. The House of Assembly shall have powers to make laws for the State Government in respect of the appointment of traditional rulers, District and village heads and other matters related thereto."

The legislature in Taraba State has made some impact in this perspective. Their role has aided in the resolution of some chieftaincy issues like the passing of the Order for the upgradation of chiefs, creation of more chiefdom, and districts in 2005 and 2018; they have also passed the order relating to the selection of the Chief of Mambilla among others.

2.5 Has the Government Machinery worked timely to resolve Dispute to prevent resort to violence?

By 2006 there was two protracted chieftaincy dispute. And the Administrative Commission of Inquiry set-up by Taraba Sate Government to look into the operational modalities of the newly created Chiefdoms/Emirates and Districts in Taraba State headed by Dr. M.T. Liman (*Taraba State Government 2006:21*) observed as follows:-

- (i) *That the first class stools of Ukwe Takum and Chief of Mambilla are vacant stools by reason of death of the then incumbent chiefs.*
- (ii) *That up to date no new persons have been appointed into the said offices of the Ukwe Takum and Chief of Mambilla by reason of serious disputes between the tribes in those areas as to who is the appropriate ethnic group or most qualified*

candidate to be appointed into the said vacant stools.

- (iii) *That there are available Reports of various Commissions, Committees, Panels and Court judgments that are on ground for resolution of disputes on such vacant stools. And what is needed is the political will on the part of Government to implement the said Reports with a view to settling such contested chieftaincy matters in the State. (Taraba State Government 2006:21 hereinafter called Dr. M.T. Liman Administrative Commission of Inquiry Report)*

The Commission like those preceding it, adopted an *open-access approach*, which granted fair hearing to the disputing parties in every chieftaincy dispute situation. It was observed that the Commission presented more historical facts and legal interpretations for addressing the issues at dispute. A brief narrative on some major chieftaincy disputes are as follows:-

The Chief of Mambilla

As regards the Ruling Houses, composition of Kingmakers/Traditional selectors of the Chief of Gembu/Mambilla, the ethnic groups of Mambilla, Kaka, and the Fulani are the major stakeholders on the Mambilla Plateau. The earliest Chiefs of Mambilla were District Heads from the Mambilla ethnic group. The first District Head of Mambilla was Baju Kabri recognized by the German authorities as Chief of Mambilla District on 24th February 1904. He was succeeded by his son Late Audu Baju who was elected in 1960 and died in 1961 (2 years). He died after a brief illness.

In the same 1961a Fulani prince from Gashaka Alhaji Mahammadu Salori Mansur was elected and appointed the Chief of Mambilla District. Thereafter, the position of District Head of Mambilla became vacant by virtue of death of Alhaji Mahammadu Salori Mansur, He died in the year 2002 as a 2nd Class Chief after serving for 40 years. After his death the latent discomfort among the Mambilla people erupted in search of justice. It brought about the question and fierce crisis as to which tribe should produce the next chief of Mambilla. The battle was between the Mambilla and the Fulani ethnic groups. The Mambilla people believed it was time for the Fulani to forget laying claims to the throne, but the Fulanis who wanted to continue from where Mansur stopped instituted a legal suit to stop the other tribe(s) from ascending the throne. It was even asserted that during this period a lot of mysterious things happened like those who illegitimately mounted the throne died in the saddle.

The Mambilla were aggrieved because they regarded the ascension of a Fulani man from Dandi Ruling House in Gashaka Local Government as chief of Mambilla *as an accident of history* (i.e. a bad thing that has happened. A mistake they did not expect to happen. It happened by chance; and it was not planned by the Mambilla). The mistake that occurred was that though the Mambilla constituted the

majority of the Electoral College for the selection of the Chief of Mambilla but for the role of Mr. Hare John, this majority voted for a Fulani man instead of a Mambilla man that was the opponent of the Fulani man (Mansur). This unintended action or outcome legitimized the process for change and invented a custom which allowed a Fulani to vie for the throne. This damaged the purity of the Mambilla traditional institution which was thought to be a stool for one tribe rule. This change to Fulani and Mambilla rotating the throne between themselves psychologically injured the Mambilla as a people. And the Mambilla people protested to the Government through the Commission. During the period of dispute and interregnum after the death of Mansur, the Liman Commission (2006) recommended that *(a) The current Mambilla Chiefdom owns its sustenance and upgradation to the first class chief status through the able leadership of Late Alhaji Muhammadu Mansur irrespective of the circumstances under which he ascended the throne in 1962. The history of the chiefdom would be incomplete without him as the architect of modern Mambilla Chiefdom. It would be unfair to pluck his heir completely out of the Mambilla Chiefdom having successfully fought for the promotion of the chiefdom for forty years. Accordingly, Government should recognize two Ruling houses namely Tambon Giwon Baju Kabri Ruling house and Alhaji Muhammadu Mansur Ruling house as the only Ruling houses for the first class chief of Mambilla.*

By 2012 Governor Danbaba brokered a peace meeting of all the ethnic groups to seek the way forward. This paved the way for the Fulani to withdraw their case from the court. By 5th day of December 2012 the Taraba State House and the State Governor assented to an Order titled THE MAMBILLA CHIEFDOM (RECONSTITUTION) ORDER 2012 LAW No 1 OF 2012, with effect from 5th December 2012. The Order at Section 5 (1) provides for two ruling families as 'Audu Baju Ruling House (an offshoot of **Tambon Giwon Baju Kabri Ruling house**) and Alhaji Muhammadu Mansur Ruling house as recommended by the Saradauna Traditional Council and later the Liman Committee (2006). It further provides at section 6 that *'The Chief of Mambilla shall rotate amongst the two Ruling Houses of Audu Baju and Muhammadu Mansur beginning with Audu Baju Ruling House'*. It further provides at Section 7 that there shall be 12 Permanent Traditional Councilors who shall also have powers to select the Chief of Mambilla and it shall have title holders representing the two ruling families and Kaka community representatives. Section 9 (1) further provides that *the ruling house not producing the Chief of Mambilla would produce the District Head of Gembu who shall be the most senior Councilor in the Council and who bear the title of "DANBURAM" in the case of Muhammadu Mansur Ruling House or Ciroma in the Case of Audu Baju Ruling house.* Accordingly, after background politicking, Dr Shehu Audu Baju from Audu Baju Ruling House was selected as the successor of Muhammadu Mansur as Chief of Mambilla after an 11 year old protracted battle for the position (The Nation January 16, 2013).

According to (The Nation January 16, 2013) whereas

‘Many Mambilla residents who spoke to Newsexstra said: The Proper thing has been done But many pundits have observed that the Mambilla chieftdom crisis has only been half way solved, since the system of rotation does not take care of the Pantso, Kaja, and Kambu tribes. A source said the excluded ethnic groups may have conformed now, but what about their future offspring- who may one day oppose the arrangement when the present generation is long gone? They will definitely ask questions as to why they will not produce the king’.

Ukwe Takum

Looking back to antecedents of the remote and immediate causes of Ukwe Takum Chieftaincy dispute, it is the most protracted Chieftaincy dispute; it has one remote cause but over the years it has multi-dimensional triggers and complex issues that require logical and comprehensive resolution. From the sources of Takum’s political history we deduced that from pre-colonial to postcolonial period, government looked at the goal of conflict resolution in terms of who action can best encourage and provide peace and development Takum and indeed the entire State?

As we shall read in the succeeding paragraphs the intergroup relations in Takum area follows the same pattern of question. The Dinyi group for instance under the Chief, Garkie Shimbura was in love with peace and development. Consequently, when the Tikari group later arrived and were carrying out banditry activities Garkie warned them, and particularly one of his title holders, Garuba Gardonpua against acts of conspiracy with the Tikari group to extort the native people (Kuteb). He further demonstrated his resolve by departing Takum area in the 1950s and eventually settled at Donga (Garbosa II, 1956). Also both colonial and post-colonial government in different degrees of action made efforts to find lasting solution to Takum chieftaincy dispute. Generally, the perception/policies that upheld the Kuteb traditional chieftaincy authority as the paramount chieftaincy stool, created the conducive environment for the development of Takum area. While the policies which attempted to recognize Tikari as Sarkin Takum (chief of Takum) in the colonial era, or policies which gave the right for Tikari to vie for ascension to the paramount stool of Ukwe Takum, as in 1975 Order led to insecurity, violence and underdevelopment of Takum.

From the testimonies of principal actors who generated and regenerated the Takum Chieftaincy dispute, it is the desire to extort in various dimensions encouraged the acts of *abuse of office*. In the colonial era, the major act of abuse of office was the Royal Niger Company (RNC) and the role of their appointee, the then *Chief Custom officers* in-charge of Takum District between 1895 and 1914. Also the role of Yerima Tikari, Sangari and the then Governor of Benue Plateau State Commissioner Police J.D. Gomwalk (from 1968 to 1975),

which resulted in the promulgation of the 1975 Order by his government is a fundamental cause of the Chieftaincy dispute in Takum as from that period. This is because instead of Takum Native Authority that was vested with the responsibility of recommending modification as provided in Native Authority Law 1963, but that right was suppressed by an individual’s petition (sponsored by Yerima Tikari), and by passed Takum District Native Authority Council. The petition was sent directly to the then Governor of Benue Plateau State that the Chamba people must be given the right to ascend the Ukwe Takum throne because it is in their blood to rule (Ahmed–Gangum 2000:p74-77,overnment 90-104; Irambiya 2002:p125-136; Sangari 2005). In respect of the 1975 Order on the selection of Ukwe Takum which is the source of contemporary dispute, the testimony of Hon. Ibrahim Sangari an active participant in the imposition, is significant. He testified on how he acted to ensure the 1975 Order was imposed on Takum Chieftdom (Sangari 2005; NEWSPOINTER May 2009:P30). The Takum Native Authority also in their meeting of January 1976 testified that unlike the precedence of 1962 to 1963 wherein the Native Authority at Takum made a modification of the 1955 Order before it was gazetted by the Northern Nigeria Government as 1963 Order, in the case of the 1975 Order, it was an imposition by the Benue Plateau State Government under Mr J.D. Gomwalk, where Sangari was a Cabinet rank Commissioner, modified the 1963 Order, without Consultation and participation by Takum Native Authority (Sangari 2005:143-155; NEWSPOINTER Newspaper (May 2009): P30). The dispute mainly fueled by *abuse of office* is now protracted for 53 years old by 2021. And following the vacancy created in 1996 as a result of death of the last occupant, by 2021 it is now 25 years interregnum; yet a new Chief has not been selected because of non-repeal of the Benue Plateau State Government made 1975 order relating to the selection of Ukwe Takum. Since then the hidden protest before 1975 matured to series of open protests. And in response to the protests and counter protests by the various groups in Takum, the Government set-up several commissions of inquiry to investigate the remote and immediate causes of the conflicts of interest. And within this period there are over fifteen (15) Government commissions /committees of Inquiry reports on the Takum Conflicts. The panels gave fair hearing to the disputing parties. At the end, each of the panels came up with similar recommendation that the 1975 Order be repealed and the 1963 order restored to pave way for the selection of Ukwe Takum.

To avoid further abuse of office and in line with equity principle says that no one should profit from the proceeds of his wrong doing, as well as the provision of section 20 (1) (a) which was applied in the Case of Madaki Akente vs Gongola Government on the extent of the powers of a Governor, by 1997 the Taraba State Government under military regime of Com Pol Amen Edore Oyakhire took a bolder step that went beyond panel reports. The Government noticed the desire of people and the need to have a king in Takum, studied the

various investigation reports and produced a Comprehensive brief/report on Takum Chieftaincy dispute and arrived at a conclusion that the Status quo should remain. In addition he released a reviving Order/circular letter in line with the choice of the people as recommended by the reports of investigation panels. He also directed Wukari Traditional Council and Bureau for chieftaincy affairs, to comply with the native law and custom of Takum chieftaincy, which has been in practice in the appointment of all previous chiefs of Takum. In other it should be used in the appointment of a new Ukwé Takum. This 1997 order thus has replaced the 1975 and Government/its agency should follow due process action to implement the revived order. Furthermore, as is often argued by some legal luminaries/authorities, where a law has not been practiced like the 1975 Order because of some fundamental technical defects and practical reasons, it can also not be implemented (Liman Report 2006; The Laws of Taraba State, Interpretation Law CAP 69, 1997 Sections 8,9).

However, the implementation of the 1997 order is yet to be done, because there was political interference from Abuja motivated by one of the disputing parties, which resulted in the quick reposting of Oyakhire out of Taraba State. This development including the dissolution of elected Chairmen of Ussa and Takum LGAs ignited the 1997 to 1999 violent crises in Takum and Ussa LGAs. And so administrative action was suspended since then.

Currently, of all the panels, the M.T. Liman Commission of 2006 distinguished herself through its in-depth findings and analysis based on historical documents at its disposal, prevailing peculiar environmental situation (including psychology of the people) in each chieftaincy, legal principles and interpretations, the M.T. Liman Commission (2006) in the case of Takum chieftaincy dispute **noted** that:-

- (i) *Takum as a settlement predated both 1830 and 1914 the period, marking the beginning of ascension to the throne of Takum by both Tikari and the Kuteb. What is not Clear to the Commission is the historical records of Takum before 1830... (iii) The historical perspective that attempted to find the missing link between the time Takum was formed and the subsequent development leading to the ascension to the throne of Takum by the Tikari in the 1830s and later the Kuteb in 1914 which sound very interesting but cannot be corroborated by any historical document anywhere, at least for now. What however remains a fact is that there was a missing historical link between the time Takum was founded and the 1830s when the Tikari took charge (Taraba State Government/Liman Report 2006:92-93)*

Indeed looking at the documents at the disposal of the Commission at page 55 to 56 there is indeed missing link. In spite of the missing links which the Commission pointed out, but based on the written memo and oral history presented by the Jukun and Chamba, at the disposal of the Commission, the

Commission presented the following as its findings and conclusion:-

12.1 (iv) Before 1914, Takum and Zompere were two separate districts but because of the slave trading activities of Yamusa, the last Tikari ruler, he was deposed and banished to Ibi by the British colonial rulers. The Districts of Takum and Zompere were merged and given to Ahmadu, the Kuteb ruler to administer

(iv) From 1914 -1996 the Kuteb from the ruling houses of Akente and Likam have been ruling Takum.

(v) The Benue Plateau Gazette of 1975 which expanded the ruling Houses of Takum to four to be rotated between Akente and Likam (the Kuteb) and Tikari and Dinyi (the Chamba) on the other hand became directly or indirectly responsible for the major conflicts in Takum that led to the wanton destruction of lives and properties. This is because while the Kutebs were vehemently opposed to the 1975 gazette which expanded the ruling houses to include the Tikari and Dinyi of the Chamba stock the Chamba on the other hand want the 1975 gazette to be put to use so that they can equally be accommodated in the rulership of Takum.

- (vi) The Gazetteer of Northern Province page 39 shows that the Tikari ruled Takum from 1830 – 1914 but did not say anything about the Dinyi rulership. How the 1975 Gazette brought in the Dinyi as a ruling house in Takum is not clear.*

Nonetheless, looking at Dewars Intelligence Report on Takum District of 1935, C.K. Meek's book a Sudanese Kingdom of 1935, Gambo Ika thesis (1983) Hassan Emmanuel Lawson (1995) Ahmed-Gamgum (2000), Irambiya (2002) Hassan C. and Ada A. Tarihin Kuveri of (1938) among other sources which elaborated on intergroup relation in Takum area in the pre-colonial and colonial period, they are all in agreement that the Jukun/ Kpazun have never been chiefs of Takum. The Jukun however have personal Jukun group's headmen which today is called Tsoho, Uhwe, Kuru Kpanten or Sarkin Jukun in Takum.

Notwithstanding, the Stance of the Jukun in respect to the 1975 Order is as follows:-

The Jukun Community of Takum in their memorandum tendered through CW 48... as Exhibit 41 I stated thus on the 1975 gazette 'the ill of the 1975 Gazette that tried to correct the error of the first and unapproved gazette of 1963 neglected the history of the Jukun people. For a good prove the said 1975 gazette has not been tested and yet has suffered much attacks' (Underline by the Commission) (Taraba State Government/Liman Report 2006: 50)

Also

the Commission heard evidence from the Jukun / Chamba representative CW 68 ... Their Memo is admitted as Exhibit 60 CW 68 in his oral evidence before the Commission stated that:- 'our problem started in 1912 when the Takum /Zumperi Districts were merged. During the first world war 1914 the ruling chief was Yamusa a Chamba man He refused to support the British in the war across the border in Cameroon for the over lordship of the area including Ussa. The British came out with case of Chamba misrule and slave trading. Since then the Chamba protested because they were cheated out of their inheritance. The throne was given to Ahmadu The British said people jubilated when Yamusa was removed but it is not true. We want the Commission to look into our problems. The CW 68 stated on the 1975 gazette 'the name Ukwe should be changed to Chief of Takum, see the 1963 and 1975 gazette' The CW 68 did not elaborate whether the 1975 gazette which recognized four Ruling houses of Tikari, Dinyi, Akente and Likam was actually debated and accepted by all the inhabitants of Takum before it was promulgated into law (Taraba State Government/Liman Report 2006:52-53).

First the Committee observed and quoted the same The Gazetteer of the Northern Provinces of Nigeria Volume II The Eastern Kingdoms with a prefatory note by A.H.M. Kirk Greene at page 40 which the Chamba much rely on as follows

'Ahmadu (1914) a grandson of Yakuba Sarkin Markam, the Zomper Chief mentioned above, had been in charge of the Zumpers who had been separated from Takum owing to Yamusa's extortionate practices and formed unto a District Containing all the Zumpers in the province. On that chief's deposal the Takum and Zomper Districts were amalgamated under Ahmadu' (Underline mine for emphasis)

The Commission noted that in the past Kuteb and Chamba had their respective traditional chieftaincy stool before and after 1914. The commission then debunked Chamba historical presentation as follows:-

12.1 (iv) Before 1914, Takum and Zompere were two separate districts... and at Section 8.04 page 54 'The Committee finds that the history of graded chief started with Ahmadu a Kuteb man in 1914. He received a gratuity of 3rd Class chief from the Colonial Administration for his services during the war of 1914. The 1963 gazette took its root from 1914 and it is the same stool that was upgraded to second class chief status by the Taraba State Upgradement of Traditional Rulers and the Creation of Districts (Order) 2005. The first class stool upgraded in Takum as per schedule 1 and section 3 of the new Law is called "Ukwe

Takum" and "Ukwe" is Kuteb title meaning Chief. The Chambas who now want to be included vide 1975 gazette had never ruled the two Districts in Takum/Zumper Districts amalgamated by the British since 1914 under Ahmadu (Kuteb) and elevated to the status of a third grade staff of office (3rd lass chief). The biblical scripture Give to Caesar what is Caesars applies here. The British colonialists deposed the Chamba chief Yamusa for misrule and or extortionist practices and slave trade. Extortion and slave trade are all high crimes against humanity. What the Chambas were unable to undo since 1915\4 when their chief Yamusa was dethrone and deposed for misrule and slave trade by the British Government cannot easily be overlooked today without some evidence of remorsefulness and desire to be pardoned for such crimes against the people. It is however heartwarming that Tikari and Gahweton have been created and established as new Districts in Takum. The Gazetteer at page 39 stated on Tikari chiefs of Takum District (1830-1914)...The Tikari people belong to the Tikari tribe and those of Donga and Suntai to the Chamba Division of the Dinyi tribe. (Underline by the Commission)

Another independent source which also asserts that Kuteb had Kings of Takum that is, Sarkin Mbarikam is Report No 46 for Months of July August and September 1906 by Ag Resident C.F Gordon

In this report it is deduced from a narrative recorded by Gordon as follows

"I again went to Ibi on 21st September intending going to Takum but owing to some persons in my following having circulated the report on my arrival at Ibi that I was going to "break" in the town, a rumour supported by the presence of a broken down maxim with escort in a broken down steam canoe I had to alter my plans. I had received information that the king of Takum had removed his goods preparatory to moving to German territory and I considered it was quite possible that on my departure from Ibi being heard of, he would take his steps. I therefore shortened my proposed tour to Wukari, Donga and the villages on the Donga river. I have taken steps to find out the true position of matters at Takum and since heard that the custom collector at Takum is on his way to Amar under arrest (underline mine for emphasis)

A comparative content analysis of the Liman Commission Report of 2006 and the 1906 report by Gordon, we have deduced that (i) Gordon's report corroborates the Liman Commissions statement that before 1914, Takum and Zompere were two separate districts and each have their

Chief. (ii) Gordon's report has also clarified that the paramount chief was the **King of Takum** not Boshi, which Fremantle captioned the **Tikari chiefs in Takum**. who was already under arrest. (iii) Going by the genealogy of Takum Kings, the King under reference in Gordon's Report as at 1906 is Ukwe Ayipte. (v).

Also from the Gazetteer it would be noted that Fremantle mentioned the attempt by the Tikari to subdue Sarkin Mbarkam. This narrative is a clear acknowledgement that Kuteb had chiefs before the "territorial amalgamation of Tikar ward" within Takum Zompere districts and land in 1914). However in respect to traditional institution of authority what actually happened by 1914 was subordination of Tikari *Maiangwa* (Hausa word for ward head) of Tikar under Ukwe Takum to produce administrative hierarchy. And what happened in 1975 was fusion of chieftaincy stool be ascended to by two tribes. It was not a reversion to independent status as it was before 1914 hence Kuteb restiveness; and the need to create a district for the Tikari by 2005 within Takum town.

Furthermore, from Fremantle's Gazetteer, particularly in respect of what qualifies or disqualifies the Dinyi to be a Ruling house in Takum the Commission further observed that:-

The Dinyi tribe of the Chamba Division that want to be included as Ruling houses of Takum belong to Donga and Suntai. Only the Tikari tribe were in Takum District as at 1830 -1914... In fact the Gara Donga is from the Dinyi tribe (a first class chief)

From this the Commission felt that the Dinyi ought not to be interested to ascend the Ukwe Takum stool. As for the Tikari in Takum, the British action quoted from the Gazetteer at page 40 and the biblical scripture referred to by the Commission as quoted above entails giving back to Zumper what was extorted from the Zumper was proper. And the 2005 creation of Tikari and Gahweton Districts is allowing the Tikari to rise at the point of their death in 1914 as a District not a graded stool in Takum town. As for Jukun they have been given Gahweton District for being a major stakeholder in Takum town. It will enable them be members of Takum Traditional Council. This completes the act of giving and taking needed in negotiated settlement/reconciliation. Good conscience requires that peace should overshadow disputes over Takum chieftaincy stool for greater development to thrive.

As for the status of the 1975 Order the Commission observed that:-

The Submission of the Jukun Community in Takum beautifully summarizes the unpopularity of the 1975 gazette. It has since its promulgation not been tested and yet has suffered much attack. The Commission holds that the above is evidence of a bad and unpopular legislation which the major stake holders have reject intoto. A law that remain in statutes books which is unenforceable by reason

of lack of consultation acceptability or popular debate on same before enactment can best be defined only as 'a wasted legislative exercise'. A law that seeks to regulate the conduct of a society i.e. customary law that had been codified must be a mirror of accepted usage by the people. The 1975 gazette certainly did not pass that test of acceptability. It had never been tested and all attempts to test had met with stiff opposition and violent unrest. In an era of democracy like this it is what the majority of the people want that should be enforced (underline by Committee for emphasis) (Taraba State Government/Liman Report 2006:51-52).

From the forgoing the Commission recommended that all panels reports should be harmonized and a dialogue between Government and Community stakeholders be organized. In 2009 the Danbaba Suntai regime brought the Stakeholders from Takum including the 1st Class Chiefs in the State to coordinate what Danbaba regarded as a *negotiated settlement* approach to resolve the Takum Chieftaincy dispute. The attempt for dialogue otherwise negotiated settlement in 2009 by Governor Danbaba gave room for another problematic dimension. Just like many pundits feared that one day *the Pantso, Kaja, and Kambu tribes* would continue to question the ascension of more than one tribe to a chieftaincy stool and would question the same opportunity being denied them, the Jukun also re-sent similar message in 2009. The Jukun made a new crave that they also wish to be included as Takum chieftaincy ruling House **if** Chamba as per 1975 Order would be allowed to vie for enthronement as chief of Takum. Following protest against the activities of the secret Committee set up by Danbaba Regime in 2009 to coordinate the negotiated settlement and for other obvious reasons the process failed to achieve it its mission.

A cursory study of the Liman recommendations suggest that the essence of dialogue is to make the people understand the trend and effects of conflicts; understand the reasons for the recommendations by the Commissions of inquiry which the Government has been advised to implement. And where there was no backing down by those interfering in Takum Chieftaincy, the Commission further recommended that

(iii) The Chief Executive of the State may invoke the powers conferred on him by Section 4 (3) of the Chief (Appointment and Deposition Law) Cap 26 Laws of Taraba State Nigeria 1997 which allows him to take the final decision after due inquiry and consultation in disputing circumstance over a chieftaincy stool. (Taraba State Government/Liman Report 2006:95).

Meanwhile by 2020 the Government constituted a 15-man dialogue Committee Five persons from each ethnic group: Kuteb, Jukun and Chamba to come up with a joint agreement document for the Government. The Committee is yet to come up with a joint document. For now one ethnic

group is pushing for the implementation of the 1975 Order, while two tribes reject the implementation of the 1975 order. But the two tribes differ on the modification of the 1975 order should look like. One of the groups as shown in their 2009 memo wants a new Order that would allow all the three ethnic group to be given the chance to vie but for smooth selection when vacancy exist, one of the two ethnic group is for a return to the traditional 1955 method under which all previous Ukwe Takum were crises-freely selected and appointed. The current stance for continuous interference would not easily bring an end to protraction. The new problematic dimensions which started as from 1968 require more concerted and sacrificial effort from Takum elites. They are expected to demonstrate their efficacy that they can resolve conflicts by themselves. And by 2021, it happens that a citizen of Takum Local Government Area is the Chief Executive of Taraba State. In a civilian/democratic regime, he is therefore expected by Kuteb Yatso of Nigeria (A Kuteb pan organization) in their Memo to the Judicial Commission of inquiry into crises between Tiv and their neighboring Communities in Taraba State and other matters related thereto on 09/08/2020 to act beyond the limit reached by the military regime of Com Pol Amen Edore Oyakhire by filling the vacant stool of Ukwe Takum to assist in bridging communication gap which is also a cause to intergroup conflicts.

The difference between Takum and Mambilla chieftaincy stool as discerned from the Liman Commission report (2006) is that, whereas the history of Mambilla District Chieftaincy started and included the Fulani as a result of positive votes from the Mambilla at an election, and thereafter the Fulani as chief positively contributed to the development of the stool from District to the first class chieftaincy stool, in the case of Takum there were two separate Districts and chieftaincy stools. And it was the Kuteb District head that was upgraded to 3rd Class and it developed to first class grade (Taraba State Government/Liman Report 2006:54). As such if there was no fusion of the Chamba and Kuteb native law and custom relating to the methods of selection of Ukwe Takum as from 1914, it is not surprising that the attempts to make the stool open for ascension by other tribes through the 1975 order, was and is totally opposed by the majority of stakeholders in the Takum Chieftaincy stool.

Emir of Muri Chieftdom

This is another example of protracted chieftaincy dispute in Taraba State but it is not as protracted like the case of Takum. The dispute occurred following the deposition of the Emir of Muri in 1986.

This is more likely to happen when a traditional ruler jettisons his primary responsibilities to dabble into politics either for political gains, mere hobnobbing with political giants for fame or to secure their throne. In the course of this, he may step on toes that may cost him the seat (Gbadebo, B., Chima, P., and Mibzar, B. 2013).

However, unlike the case of Takum which is 25 years vacant, the successor Emir of Muri Alhaji Abbas Njidda Tafifa was officially appointed two years after the stool was vacant. That was after the Kingmakers completed the selection of Alhaji Abbas Tafida, the Military Governor of Gongola State Group captain Jonah Jang (who succeeded Col Yohana Madaki) on 13th July 1988 approved the appointment; but Abbas was not allowed to take oath of office because of court litigations. There was Court cases over the rights of the deposed Emir Abubakar Umaru Abba Tukur VS. the Government of Taraba State & ORS 1997 case number 143/1996); court case filed in the name of Muri kingmakers; and there was a case between the two Ruling families of the Emir of Muri. While some of the cases went up the Supreme Court, the case filed by the Muri Kingmakers was withdrawn /struck out in 1989 at Gongola State High Court Yola.

By 2006 there was no longer any pending case against Abbas in any Court of Law in Nigeria. Based on this fact, the Chief Law office of Taraba State, that is, Ministry of Justice advised the State Government that the State *is now free of any encumbrance or impediment to deal with the matter as it deems fit and proper* (Taraba State Government /Liman 2006 21-35). Consequently, the Government arranged and Abbas in accordance with the Chiefs Law took the oath of office and was given his staff of office

Kpanti Zing Chieftdom

Following the death of Abbas there was tension in Zing over who succeeds the late chief of Zing (Abbas). Sources at Zing blamed the government for delays in the appointment of a new Kpanti Zing They in particular blamed key politicians and top government officials in the area for the crises. The palace of Kpanti Zing was taken over by Mumuye masquerades that arrived in their hundreds from various villages. They were there for four days (Magaji, 14 Oct 2015). This prevented women and children from coming close to the palace. The masquerades also sacked the entire family of the late chief including his two wives. But calm was restored when Mr. Linus Ibrahim the Wazirin Zing was appointed in Acting Capacity by the Government as Kpanti Zing. In spite of this, the masquerades remained in the Palace. The politics for the substantive appointment was vied by three candidates from Kpanti Zing royal families. During this period the Permanent Secretary Bureau for Local Government and Chieftaincy affairs appealed for calm as well as putting the security agencies on alert to ensure that law and order prevailed. The people were assured that election of a new Kpanti would take place after the mourning period (Mkam 2015). In the election that was conducted Alhaji Suleiman Sambo Bala emerged as the new Kpanti Zing. And the oath of office was accordingly administered (Premium Times Nigeria 6 Nov 2015).

Chief of Kurmi Chieftdom

In Kurmi Chieftdom there are three major tribes namely Ichen, Ndola and Tigun and it used to be a District. The

chieftaincy stool was upgraded in 2005 to a third class grade, new and is domiciled at Baissa. Formerly when it was a district there were three Ruling Houses and ascendancy was rotational among the three Ruling houses. As a district ascendancy to the throne was rotational among the three Ruling Houses. Selection of a candidate to be king was done by an assembly of village heads, and it was effective. But over the years there are issues of claims and counter claims of one house not being a Ruling house. The members of Ichen and some Tigun especially Yarafa Ruling house from Tigun were strongly opposed to the upgrading to a 3rd position of Ishaya Etsu from Tigun tribe. Ishaya was dragged to court over his controversial selection as District Head and a 3rd class chief. But at the end he won the case and by operation of Law he had become a ruling house. Also *‘two out of the three major tribes wanted the title of the Chief to be ‘KumTii Afa’ but Tigun want the title to remain neutral i.e. Chief of Kurmi’* but at the end it became chief of Kurmi because the office is already rotational among the three tribes. More so according to Liman Commission the *chieftaincy is a creation of statute i.e. legislation. It did not evolve from the customary law of the three tribes as there are no known Traditional selectors except village heads and District heads who are creation of state. Therefore the customary law of the land shall not apply to the selection of the chief* (Taraba State Government 2006: 135-136).

By 2006, when Kurmi district was upgraded to a third class grade and more districts were created out of Kurmi District the people agreed that rotation would continue among the following as ruling houses Tigun Ruling House, Ndooro Ruling House, and Ichen Ruling House. However village heads would no longer serve as members of the Electoral College, instead, District Heads would constitute the Electoral College for the selection of the third class chief of Kurmi. In summary the issues in Kurmi Chieftaincy dispute revolved round political interference as complained by a Commission witness CW142; intrusion in the chieftaincy by one tribe or the other, and demands for rotational chieftaincy among the tribes (Taraba State Government 2006:128-129). Failure by a tribe to be the expected first beneficiary to ascend the throne for some obvious reasons, some members of Kurmi Chieftaincy who felt cheated sometimes in 2014 instituted a Court case when Ichen community succeeded to have their own installed as the first third class Chief of Kurmi. In 2018 the dispute was resolved when the State Government created chieftaincies for each of the tribes in Kurmi Local Government area.

Gara Donga Chieftaincy

The chieftaincy of Donga stool became vacant as a result of death of the last occupant HRH Stephen Bayonga in 2019. In the process to fill the vacant stool Donga also witnessed occurrence of dispute but for few months, between 2019 and 2020. Based on the Donga experience Government sources said the Governor was not happy and he said

“most of the time the agitation for appointment of traditional rulers become unnecessarily enmeshed in controversy because kingmakers and contestants for the stool become impatient and unwilling to wait for the input of the government on such matters, thereby generating unnecessary bickering.

According to Bala Abu that

‘the Governor at some point during the process of screening contestants for the stool of Gara Donga, had to appeal to all interest groups to await the outcome of government’s due diligence exercise on the matter’ (Taraba State Government 23 July 2020).

And it came to pass in less than a year the Executive Governor of Taraba State in 2020 approved and installed one of the candidates Sanvala Vorzoa Shimbura as the new Gara Donga after consultation with Taraba State Council of Chiefs (Office of the Executive Governor Press Statement, June 26 2020)

III. CONCLUSION

From the above survey of Chieftaincy disputes it can be said that traditional institutions of leadership have a different process of leadership recruitment when compared with the process for modern State leadership recruitment process, dispute, and its resolution method. Whereas in modern State it is based on membership of political parties, in traditional institutions it is based on of political parties. Whereas traditional rulers are elected through electoral-college called Kingmakers in modern politics leaders are elected from a vast population of individuals with equal opportunity or right to vote and be voted for a political/public office. Whereas the candidate for traditional leadership position emerges from royal families of a tribe, a particular lineage or dynasty whose forefathers held the position, because the office is hereditary, has no tenure, and the occupants are expected to hold office till death, that of modern State system is not hereditary, is not based on membership of royal families, it has tenure, after which the public office holder must leave the position. Though a traditional leader may be in office until death terminates him, the modern state system has power to interfere (justly or unjustly) leading to the dethronement of a traditional ruler as the case of Emir of Muri has shown. Another feature of traditional institutions of authority is that no two Chieftaincy disputes have the same environmental circumstances to warrant the same/exact solution. Rather each case was treated on its own merit. Hence except for the case of Takum chieftaincy, which is the most protracted case of chieftaincy dispute, which has not been resolved and the stool is still vacant, but in the case of the stool of the Chief of Mambilla, which vacancy occurred after that of Takum, the Government was able to resolve the Mambilla Chieftaincy dispute and its vacant stool was filled 11 years after. Similarly other first class chieftaincy vacancies and disputes like that of the Emir of Muri which started in 1986 after Takum Chieftaincy disputes has been resolved. This suggests

that the more ethnic groups that have no positive linkage to a throne are allowed to illegally vie for enthronement the more dangerous and protracted the conflict will be. This study has assisted us to develop some analytic propositions viz. First against the background of our research question and the facts at our disposal, we here conclude that traditional institutions have features, characteristics or attributes that makes the institution culturally attractive to the point of it being a source of dispute. Second, chieftaincy disputes are varied and each case has its peculiar features; and when the dispute in a chieftaincy is compared with another chieftaincy dispute, the solution to each dispute tends to be unique. Third, it is also observed that the Taraba State Government actually established agencies to assist traditional authorities and indeed aggrieved members of chieftaincy to meet, discuss through appropriate forum to provide peculiar solution to their peculiar chieftaincy grievance(s). The purpose is to stop the people from resorting to violence. Fourth, where there was dispute in form of protest for and/or against the creation of chieftaincy, and appointment of chiefs, served as a challenge to the Government to perform her statutory function(s) through a better approach e.g. being timely and compliant with accepted/tested native law and custom. It is also an indication that the Government is not waiting for another round of violence to take place like in the past before she acts. Fifth, the Taraba State Model for resolving Chieftaincy disputes further reveal that in spite of peaceful protest or violent clashes triggered by chieftaincy matters, the disputants have often come together at a dialogue table to through light on their dispositions. This has helped the Government to refine its strategies for the peaceful resolution of Chieftaincy disputes at the level of the State Executive Council and the State House of Assembly. In doing so Government has no doubt used government machinery, chieftaincy regulatory laws and supporting logical historical facts as a guide. Now that there is ongoing dialogue aimed at resolving the most protracted chieftaincy dispute of Takum, it is hoped that Takum people by now are more informed about some unknown legal and historical facts, and the need for the people to always provide solutions based on equity, good conscience, majority opinion, and logical historical facts for an expedient and lasting solution. Sixth, from the number of vacant stools that have been filled and the number pending it can be asserted that the Government has resolved most chieftaincy disputes in Taraba State. However, some succession crises in a few chieftaincies has produced an interregnum of over twenty five years like the case of Ukwé Takum stool; which has motivated eruption of violent conflicts than in other chieftaincies and has claimed many life's and destruction of properties. The immediate and remote causes in Takum are well documented in Government panel reports. The action and inaction of government in resolving or not resolving chieftaincy disputes goes to show that where there are sharp or intense chieftaincy dispute, it is more difficult to have a quick selection and installation of a Chief. Consequently, the chieftaincy institution(s) in that Chieftaincy suffer under-development.

IV. RECOMMENDATION

In line with Governor Darius 'Solomonic' Rescue Agenda and development strategy which encourages giving to Caesar what belongs to Caesar and to God what belongs to God, as well as the glaring respect shown by Government by developing traditional institutions and people's culture of live and lets live, it is recommended that Government and concerned parties to a dispute should take more bold steps to resolved disputes based on principles of equity, deterrent justice and due process as stated in the relevant laws of the State and Country and without further delays. This will forestall future occurrence of deviant behaviors that bring about other dimensions of protracted conflicts.

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