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LEGAL ENVIRONMENTAL CRITERIA AND LOCAL CUSTOMS AS IT AFFECTS EZESHIP RECOGNITION AND COMMUNITY DEVELOPMENT IN IGBO LAND: AN ANALYSIS

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Abstract
The pre-colonial Igbo nation wore a republican outlook. It could be described as "Acephalous or Decentralized" political system. It never had as part of its system, the Ezeship Institution. The indirect rule of 1914 colonial Nigeria bequeathed the Ezeship Stool on Igbo nation. Since then, this institution has undergone series of reforms. These reform encompasses the Legal Environmental Criteria for recognition by the government, customs, and communities respectively. The uncompromising attitude of Legal Environmental Criteria, custom and that of the community most times creates community problems and thereafter retards, constitute barriers or obstacles for development at the community levels. This study adopts a qualitative method of enquiring and generates data largely from books, journal, articles, internet, precedents of courts, case laws, magazines/newspapers. The study employed cultural Relativisms theory. This theory enabled the study rely on customs, beliefs and practices in Igbo nation. The aim and objective of the study therefore is to analyze, examine these likely problems and proffered necessary solutions or way forward.
Keywords: *Ezeship Stool, Acephalous, Community, Government, Republican.*

Introduction

The Ezeship Institution has come to stay as the mirror of traditional custom in Igbo-land. The pre-colonial Igbo-land was Republican in Nature. In other words, it was acephalous or decentralized and never had as part of its systems, the Ezeship institution. The arrival of the 1914 Lord Lugard Constitution and the subsequent indirect rule system in Nigeria, bequeathed the Ezeship Stool in Igbo-land as a whole, since then, till now, this institution has undergone series of reforms. These reforms encompasses the Legal Environmental Criteria for recognition of an Eze or Igwe of a community in Igbo-land by the government and the local customs of various communities as the case may be, Ogunna (1987). The uncompromising attitude of Legal Environmental Criteria and that of the local customs of various communities have always exposed the developmental strides in so many communities to danger.

Conceptual Analysis; Ezeship or Igweship, Community, Development.

Ezeship or Igweship

This simply mean the stool an Eze or Igwe of a community occupies. It now represents a symbol of customs of communities in Igbo-land.
The Eze or the Igwe is the person selected and appointed both by the community and recognized by the government as the custodian of culture of the people/community.

His functions are as follows:

1) Representing his autonomous community on ceremonial occasions
2) Receiving important visitors in the community
3) Acting as the custodian of culture, custom and tradition and advising the community on them
4) Assisting the government in the maintenance of law and order in the community
5) Deliberating with the town union on issues bordering on the security of the community.

6) Assisting the state and local government in-charge of the community in the collection of taxes and rates.
7) Promoting stability and peace in the community.
8) Attending meetings, summoned by the chairman of the local government area from time to time for the purpose of consultation and advice.
9) To maintain a good relationship with the town union of the given community. **(Section 11, Imo State of Nigeria, Traditional Rulers and Autonomous Communities Law No 3 of 1999).**

Community

The community is all the people who live in a particular area or place. It can also be seen as a group of people who are similar in some ways (Oxford Dictionary).

Development

Development is a Tri-dimensional concept. It has a utilitarian or consummatory dimension, which connotes increase in the quantity of usable items available to man in society. It also has behavioural or rational dimension which defines the nature of the relationship among men in society and among societies. It also has an institutional and legal dimension which defines the institutional and legal framework, circumscribes the behaviour of men and streamlines their relationship, while they individually and collectively seek to gain greater access to material things of value in society (Ogochukwu, 2010).

Development simply means to improve, to make progress, change for the better, higher income or better living standard, increase in the quality of goods and services available to the people, the quality of their social lives and material advancement which enable them to gain greater control of their environment.

United Nations Publications (1963:1) Defines development as the process of allowing and encouraging people to meet their own aspirations.

Statement of Problem

The Ezeship in Igbo land evolved from the 1914 amalgamation of the Northern and Southern protectorate now as Nigeria and the introduction of indirect rule systems. Overtime, there exists some legal conditions and customary practices that are condition precedent for an aspirant for the Ezeship of a community in Igbo land must fulfil before he becomes the recognized Eze or traditional ruler of a community.

There seems to be conflicts between the legal conditions and customary practices guiding the qualification and selection of an Eze or traditional ruler in any community in Igbo land. The intentions of this study is to identify these bottlenecks which forms the problem of the study and proper necessary solution.

Research Questions:

The study developed the following research questions;

a) What are the criteria for Ezeship recognition in Igbo-land
b) What are the prons and cons of the recognition of an Eze and community development.
c) What are the pronounced structures of power in Igbo community.

Theortical Framework

This study employed the cultural relativism theory. This theory believes that a community customs, beliefs and practices should be understood within their own social content rather than judged against the norms of another culture. (Durkheim, 1982).

Methodology

The study employed qualitative method. The data utilize for the study were generated from secondary sources. Accordingly, textbooks, journals, conference papers, unpublished research works, precedents of courts and internet materials were used. The study used narrative analytical technique for the analysis of data. In this case, the information employed for the analysis in the study were meticulously extracted from the local chains of evidence

presented in the journals, textbooks, conference papers, internet sources, precedents of courts and other nondocumentary materials.

Criteria For Ezeship Recognition In Igbo-Land

1. Community perspective
2. Legal Environmental Criteria/Perspective

Community Perspective

Section 5 (1) of the Traditional Rulers and Autonomous Communities Law No. 3 of Imo State 1999 provides as follows:

Each Autonomous community shall identify, select and appoint its Eze and present him to the local government council over the said autonomous community. Where an Autonomous community has unanimously and successfully identified, selected and appointed its Eze, it shall be incumbent on the autonomous community to set down on paper in detail its method, manner or tradition of its identifying, selecting, appointing the Eze, and shall submit the document to the chairman of the local government on the day of presentation of its Eze. The document shall contain among other things:

a) The full personal names of the Eze, his adopted designations or title and the customary code of conduct to which the Eze must subscribe.
b) The date on which he was appointed as the Eze
c) A full account of the customary law of the community regulating the process of identifying, selection, appointment and installation, suspension, deposition, rights and privileges of the Eze of the community.
d) Where a laid down procedure for the identification, selection, appointment and installation of an Eze does not exist in an Autonomous community, either because there has never been one before or because of a joining together of two or more communities having different procedures into one Autonomous community which has failed to adopt any of the procedures of the component units, or any other reasons, then the Eze stool shall rotate among the component units starting from the most senior member community in traditional ranking provided that populous unit takes precedence and the rest rank according to population.

Section 6(1) provides as follows:

a) The presentation of an Eze of an Autonomous Community for the purpose of his recognition under this law shall be carried out on a date and at a place and time fixed by the Autonomous Community with approval of the local government council such place being a place to which members of the public or community have access.
b) The date, place and time shall be publicized within the Autonomous Community.
c) A written notice of a proposed presentation and of the date, time and place thereof shall be delivered to the local government council concerned.

Section 6(2) provides that the Eze of an Autonomous community shall be deemed to have been presented to the governor for the purpose of his recognition under this law, if on the date, and at the place and time publicized in the manner specified in subsection (1) of this section and in the presence of the members of the autonomous community, such Eze is presented to the local government council concerned or any other person appointed by the Governor in that behalf.

Legal Environmental Criteria/ Perspective

Section 7(1) of this same law provides as follows:

A. Where the Eze of an Autonomous Community is presented to the Governor as provided under section 5 and 6 of this law, the Governor may by an instrument (in accordance with the provisions of this law) recognize such a person as the Eze of the Autonomous Community, subject to the confirmation of Imo State House of Assembly.

B. The Governor shall not recognize any person as Eze of an Autonomous Community unless he is satisfied that such a person

a) Was identified, selected and appointed in accordance with the customary law of the Autonomous Community concerned.
b) He is not under twenty five (25) years of age.
c) Is not a full-time public servant.
d) Has not been convicted in any part of Nigeria of a capital offence or any death or if term of imprisonment or he has been so convicted and sentenced has received a free pardon.
e) Has not, under any law for the time being in Nigeria been found or declared not to be of sound mind or adjudged to be a lunatic or if he has been so found, declared or adjudged has received a certificate of sanity.
f) Has not been adjudged or declared bankrupt.
g) Has a good reputation, meaningful and veritable means of livelihood
h) Is not a member of secret cult
i) Has a secondary school certificate or its equivalent as minimum educational qualification.

Section 8 provides as follows:

The recognition of a person as the Eze or the withdrawal of such recognition shall be published in the Government Official Gazette.

Section 9 provides as follows:

The Governor may at any time after the date of publication in the official Gazette of the recognition of an Eze of an Autonomous Community, issue a certificate of such as Eze to the Eze.

Section 10 of this same law provides that;

After the Governor has recognized a person as the Eze of an Autonomous Community, any person who:

a) Installs or purports to install another person as the "Eze" of that Autonomous Community or
b) Allows himself to be installed as the "Eze" of that Autonomous Community in place of the person so recognized "Eze" for that community.
c) Holds himself out as or
d) Allows himself to be addressed as or
e) Carries out the functions of a recognized Eze of that community in place of the rightful person already recognized shall be guilty of an offence and liable on conviction to imprisonment for six months or fine of ₦10, 000 or to both such imprisonment and fine.

Recognition and Community Development: Prons and Cons

If we go by the precise definition of the United Nations (1963:1), Development is the process of allowing and encouraging people to meet their own aspirations.

This paper has detailed the legal procedures requires before a person is recognized as an Eze or Igwe, it is no doubt that this paper relied only on the traditional rulers and autonomous communities law of No. 3 1999 of Imo State, but it is also no doubt that all other laws of various states in Igbo-land in respect of the topic in question are all the same. The only different may be the caption and the state but the contents of theses states laws are all the same. The intendment of this paper is that where the legal requirement or procedure for recognition of the Eze of an autonomous community are strictly followed, development and growth in such communities are stable and peaceful, United we stand, divided we fall.

It is also the intendment of this paper that 90% of conflicts and obstacles to various communities and their development is traceable to the **Modus Oparandi** of recognition of such Ezes' or Igwes'. Politics, money bags and corruption have taken over these planned and well structured legal procedures for recognitions of Ezes' and Igwes' in Igbo-land. The resultant consequences of those violation of legal procedures and recognizing a person not

anointed or ordained by the community perspective has been the causes of conflict and obstacles to community developments in Igbo-land.

Relevant Structures of Power in Igbo Community

THE EZES'

The Eze of a community otherwise known as the traditional ruler is a traditional authority of a local community selected or appointed and installed through traditional process and norms.

Dasauki Committee Report (1986) defines a traditional ruler thus:

A person who by virtue of his ancestry occupies the throne or stool of an area and who has been appointed to it in accordance with custom and tradition of the area and has sovereignty over the people of the area.

His functions and powers are:

1. He is the royal father of his community. Therefore; he is the embodiment and defender of the community interest values and norms.
2. He champions, promotes and fosters community development in his area.
3. Government policies, rules and regulations and demands are communicated to the people through the traditional ruler.
4. He is the official spokesman of the people and receives government officers/officials and dignitaries that visit the community.
5. He maintains law and order in his community. He keeps peace, settles disputes and helps to free the community from all forms of criminal activities.
6. He acts as the custodian of the custom and tradition of the people.
7. He mobilizes and organizes his people for community, developments projects.

TOWN UNION

Coleman (1958:424) defines the town union as an association organized for the purpose of promoting a loyalty (towards, and advancing the progress and posterity of; anyone of the several communities to which a member belongs. In furtherance to this definition, stated that theses associations, whose bond of unity are derived from the feeling common traits and traditional affinity gave organization expression to the persistent feeling of loyalty and obligation to the kingship group and the town or village where the union is located.

The town union began in the late 1920 and early 1930, the original purpose was to provide mutual aid and cooperation among the members of the association hence Coleman described the union as an impulse for brothers abroad to come together for mutual aid and protection. As time progresses, at the early stage of this emergence, the town union began to expand the purpose by showing great concern to the development of their communities.

It is on this direction that Coleman (1958:214) observes that at an early stage the member of these associations began to export to their rural homeland the enlightenment, modernity, and civilizations they encountered in urban centers. This idea of transportation of enlightenment, modernity, and rural community development efforts by the town union. The Union establishes branches in most urban cities in the federation. These branches of town union started discussing the rural conditions in their home communities and what they could do to bring physical development in the form of schools, health facilities, town halls, post offices, lock-up stores and market etc. (Oforegbu, 1987:30) assets that the ability of the town union to organize and raise funds, generate good ideas, simulate and complete development projects confirmed them as) new and important community power structure.

In a nutshell, the town union has been associated as the executive political authority of the community.

TOWN COUNCIL

This is another important unit of power structure in the community. It comprises of heads of villages as automatic members and then representatives of the villages. The number of representatives varies from community to community.

The town council blends the effort of the Ezes' and the town union efforts in the administration and development of the community.

The chairman of the town council always attends meeting of the town union executives. This is because he is very much on ground at home than most executive members of the town union and therefore has up-to-date knowledge of things and issues around home. Their meetings are more frequent than that of the town union. The council is too powerful in the power structure because of their relevance in determining who becomes the Eze when there is a vacuum. The town Union is the political executive of the community while the town council is the "Cultural Executive" of the community.

AGE GRADE

The Age Grade plays a leading role in community administration. In the past, Age Grades are more powerful in the implication and execution of development project especially in the Eastern part of Nigeria. The emergence and proliferation of social clubs which some members of Age Grades join seems therefore to reduce the activities of Age Grades in rural development.

The activities of Age Grades are mostly as follows:

1. To promote and undertake development projects. Though, this is determined by the financial strength of the Age Grade.
2. They articulate and maintain the interest of their member in economic, social and political fronts (e.g) marriage ceremonies, burial ceremonies and in political elections.
3. They serve as pressure groups in the affairs of the community.
4. In many cases, they provide internal security or rated as the military wing of the community.

Nevertheless, the Age Grade is a strong force in the power structure of the community and contributes meaningfully toward the betterment of rural life.

WOMEN ASSOCIATIONS

Women Associations are powerful agents for rural development and also a strong unit of power structure in the community. They form various organization along various cultural lines, kinship, religious and social etc. these organizations are very articulate, well organized, coherent and aggressive in their pursuit of their goals and objective for the community.

Some notable women organization especially in the Eastern region are Town Union (Women Wing) Home and Abroad, Town Union (Women Wing) home. Women wing home branch is like the town council and has its own executive structure of power.

The activities of women organizations revolves around the following Areas:

1. In some cases, provides, health centres, maternity homes, school blocks etc.
2. Involves in the social, economic and political interest of members e.q, burial ceremony, social ceremony and offers financial assistance to members in times of need.
3. They also act as pressure group within their community and even at the local and the state levels.

YOUTH WING

This unit is a strong power structure in the community that must not be over looked. Youth association is a vibrant association and a core pressure group in the community. It operates with its own executive structure and makes input in the administration of the community. It is gradually becoming traditional for them to be seen and be settled before project coming from companies and in some cases individuals are allowed to be sited in most communities in the present Nigerian State.

The youth association is gradually becoming too controversial these days because they are used for destabilization in so many communities.

The major activities of the youth organizations/association revolves around the following:

1. They are often mobilized by the central Age-Grades for the defense and protection of the community against attack either from their neighbours or from arm-robbery operations.
2. They often put pressure on government at the community, local and state levels to undertake action favourable to them.
3. They contribute in development projects (e.g) clearing of bushes for development project, financial contributions in some cases.
4. They assist in the economic, social and political interest of the community especially where the community is not divided into parallel lines.

Areas of Conflicts in Igbo Community

Amongst these conflicts areas are as follows:

1) EGALITARIAN FACTOR

Political culture of egalitarianism creates a situation in which each individual or group sees himself or its group as autonomous. In most situations, these community associations see themselves equal and so do not accept any communal or superiority of the others. Some do not regard the authority of their traditional rulers, Katz (1966)

2) POWER STRUGGLE IN THE COMMUNITY

In most communities, various associations compete and struggle for power and authority to control the community. In some cases, the struggle is between the traditional rulers and the town unions, in this situation, the traditional ruler claim to authority is based on inscriptive criterion while the town union claim to authority is based on achievement criterion and popular power.

This nature of conflicts in the community is more pronounced, when the traditional ruler tries to exercise executive political power instead of occupying and being satisfied with the role of ceremonial head and father of the community.

3) IMPOSITION OF TRADITIONAL RULER ON A COMMUNITY

When a candidate for the Chieftaincy stool not supported by town union emerges as a traditional ruler, there exists continuous conflict between the traditional ruler and the Town union.

To avoid this situation that retards community development, selection and installation of traditional rulers should be based on peaceful selection and popular will, and should perhaps be done only after proper peaceful settlement of the Ezeship title.

4) INDISCRIMINATE AWARD OF CHIEFTAINCY TITLES BY THE EZE/TRADITIONAL RULER

Chieftaincy titles should suppose to be an honourary prestige to be given to prominent personalities as a reward for their outstanding contributions to their communities. It should be regarded as a merit award or a “Thank you Gift” for excellent performance for the development of the community. This award should be awarded based on the following conditions:-

1. Transparency
2. Honesty probity
3. Impeccable character
4. Noble personality
5. Selfless sacrifice to the community and outstanding contributions in ones field of endeavour.

But to the contrary, this award is highly abused by some money monger traditional rulers thereby disrupting the culture of their people. This development often leads to open

disagreement and quarrels between the traditional ruler and the town union leaders especially those town union leaders that stands and believes in meritocracy.

Conclusion and Recommendation

The overview of Legal Environmental Criteria and local customs for recognition of the Ezes' and Igwes' and as it affects community development in Igbo land has been the subject matter of this paper. This paper has analyzed the legal procedures for recognition of an Eze or Igwe though relying solely on the Imo State Traditional Rulers and Autonomous Communities Law No. 3 of 1999.

This paper nevertheless, stressed deeply into the meanings of a community and development. Because most communities are berates of development, the reasons are traceable to the imposition of Eze's or Igwe's on the communities rather than allowing the due legal requirement and local customs of doing so. This paper insists on due process on the selection and recognition of traditional rulers or Igwe's. The choices of the people cum culture or customs must prevail at all times. This will nevertheless attract not only development to the rural areas but will bring cordial relationship between the Eze (Traditional Rulers) and the people.

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