

## **POLITICAL INSTITUTIONS IN IKWERRE THE NYE-NEW-ELI AND COUNCIL OF ELDERS**

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**Abstract:** The basic socio-political unit of the Ikwerre is the village group made up of people who claim common descent from a given ancestry through the male line, the village is divided to have been founded by the various sons of extended families which also lie within a definite compound. It may involve the man, his wife or wives, grown up sons and their wives and children. The political framework of Ikwerre at the pre-colonial times reflect the structure of the village while the smallest unit of political organization is the compound. At this level, the father was the disciplinarian and ensured the welfare of the family. This is closely followed by the lineage group whose welfare was left in the hand of the compound heads. This study examines the political institutions in Ikwerre with reference to Nye-Eli and council of elders.

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**Keywords:** political institutions, ikwerre, Ney-new-eli, elders

### **Introduction**

At the village level, there was usually a group of notable elder responsible for the governance and welfare of their people. These elders (oha) met to discuss the affairs of the village, they are men of considerable age, experience and Wisdom, Ekwulo (1986). They possess a deep knowledge of the laws and customs of the people, each of them was a head of family in which capacity he acted as priest sacrificing to the gods and ancestors to ensure the welfare of living members of his family. That is to say, that they perform both political and religious functions and were accepted as rulers of their people.

According to Waga (1993), the origin of the council of notable elders (oha) sacred institution was as old as man himself and a member of this institution was expected to live an upright life. The small piece of sacred stick (owhor) they normally carry, is a manifestation of the ancestral spirits. The eagle feather (Mbubu Ugo) which they wear on the red cap, also is a symbol of supremacy, and also the feather of the bush fowl (Mgbubu Akwa) symbolizes authority drawn from the ancestors. The function of the council of elders (oha), according to Otonna (1991), rests on settlement of disputes. In settling disputes, they were always careful in order not to attract the wrath of the gods and ancestors whom they represented. They also took decision on vital issues and slip to the

younger ones to execute. They also mediate between the living and the dead and performed religious functions when the need arises. Prospective members of the council of elders (oha) must be the eldest member of his family group (Onuobiri), he must be a free-born who is practically aligned to family group (Mgbu or Oro). He must also be presented formally by member of his kindred, Wagas (1993).

According to Eurchi (2002), the paramount ruler Nye-new-Eli in Ikwerre political system is the head of the village traditionally, and at the same time, the head of the council of elders (oha). They are found in all Ikwerre communities sometimes their sphere of influence extend beyond the village to cover the clan or zone for instance, the paramount ruler Nye-New-Eli of Akpor, Aparabisi, four towns comprising Ozuoha, Omademe, Omagwa and IPO, Ubima, Omuanwa, Omerelu and apani, Akpabu and Itu to mention but a few. In nearly all communities, the paramount ruler (Nye-New-Eli) is also the chief priest (Nye-kwa-Eli), Waga (1993). There is no stool of paramount ruler (Nye-New-Eli) of the entire Ikwerre whose influence could be comparable to the paramount ruler of Ogbland, Ekpeye or Kalabari lands. There are such influential office holders, but the problem lies in the fact that every community arrogated to itself the right of first settlement, and again, the fact that Ikwerre is too large to come under one paramount ruler.

Bujira (2000) and Collins (2000) asserts that the Ikwerre pre-colonial socio-political organization was known as village democracy, and by this arrangement, the office of the paramount ruler (Nye-New-Eli) was at the apex. He was surrounded by a council of notable elders (oha) whom he consults often for the smooth running of the community or clan, and whatever be the outcome of their deliberations will be made public at the village square before the village assembly which usually meet under the shade trees, play grounds and other places of convenience. The political organization are the paramount ruler (Nye-New-Eli), the council of elders (oha) and the assembly of the entire community (Ogbokor). These groups meet together in an attempt to take a consolidated and articulate decisions. On this, Otonna (1991) argues that the true power in pre-colonial ikwerre society as the village, and the people lived together in village communities. The village (Onumara), according to Otonna was habitation of contiguous maximal families (Mgbu) all the villages being descended from a common ancestry and bound together by the tie of blood or mythical character. Originally, the chief of the family had the power of life and death overall who belong to the family.

According to Emejuru (2002), it was the authority of the village which grew and imposed itself against the comparative independence of the family that the power of the family declined and practically passed away or became modified drastically. But, the village and community were not isolated and independent, they were part of a larger community clan (Mbam) in both the major and minor families only the eldest males are heads of their families. But, the ward (mgbu) and village levels (Onumara), the selection was basically hereditary. For instance, a young man of fifty years (50 years) could be installed a ward (Mgbu) or village (Onumara) leader to rule over a council made up of men for much older than himself, in as much as he is the surviving oldest man of the elders is called gerontocracy (ochichi-Ndeokumadu) Otonna (1991).

Akamadi (2008) asserts that the village administration of the pre-colonial ikwerre socio-political structure was not well organized. There was no central treasury, no central judiciary and no organized law courts outside the village assembly. These flaws notwithstanding, the pre-colonial Ikwerre political system was adequate for the daily affairs of the people and the relationship with their neighbors. Ogboka (1982) also suggests that among the Ikwere who share a common boundary with the Igbos, there were no king whose status was comparable with, say that of the oba of Benin. Villages and communities were governed by council of elders. The most senior of

the elders was usually the head of the community and sometimes he was the priest of the earth-goddes, but such situation was the exception rather than the rule. Although, he was crowned as the paramount ruler, he could not take arbitrary decisions without due consultation with the council of elders. He has his farm and ran his affairs like any other villager and the villagers worked for him voluntarily in recognition of his services to the community as a show of allegiance to his rulership over him and in turn, he protects their interest and welfare.

### **The judicial process**

Okene (1993) argues that customary law is the experience of generations which successfully have cast this and that aside, tried many methods and found them to fail until at last some course remained open which proved itself the most workable and acceptable, not because it met merely one requirement, but because it fitted into all other circumstances. Therefore, it is a deeply thought-out code and the experience and intellect of generations have worked to make it one link in a chain of usages and ideas. For a law to be approved by the customary, it must peep back to the memorable customs of the ethnic group and it is the laws of our ancestors which is a sold as the society.

Kalu (1994) and Otonna (1991) asserts that the existence of the judicial process in ikwerre-land, revolves around set norms expressly formulated for decision of disputes. It is not static, but dynamic. Ikwerre customary law is unwritten, it is not a book law, and there are no textbooks and manuscripts stating procedure. There are no statement of claim formulated on pieces of paper, no summons or writ of execution and no conveyance in writing. Academically, there are no learned commentaries by doctors of law. These factors inescapably determined the style of law, relationship of the law, both to those who administered it and those who were subject to it and process of legal development.

Allot (1993) believes that Ikwerre customary las, though unwritten, do not make it completely unable to serve the needs of its people, and that it contained all the essential characteristics of law though orally documented. Ikwerre customary law is flexible and these flexibilities are not so much noticeable in the area of chieftaincy or land. The reason is that they are customary and traditionally established, of this Osborn (2000) opines that one of the most striking features of West African Native customs to my mind is its flexibility. It appears to have been always subject to motives of expediency and shows unquestionable adaptability to altered circumstances without entirely losing its individual characteristics.

According to Uzoma (2004), the Ikwerre law recognizes the possibility of a breach of the law, and therefore has legally controlled sanction for punishing violation of the rules. The purpose of punishment is basically to maintain social order. Ikwerre customary law is acceptable by members of the community as an obligation and its authority is believed to have emanated from the ethics and believed of the people. The process of settling disputes are the general ways of instituting suit action are as follows;

- The aggrieved complains to the family head,
- The aggrieved person reports to a third part whom he/she feels could make peace.
- the aggrieved party could bring a formal suit (Ogbo) by paying a sum which is not often fixed 9Iwai-Ogbo) to the family head or any competent person on organization
- Action could also be brought before the village council or any other body by way of complaint.
- Action could be instituted by paying money (Ogbo) before a juju priest (Nye-kwa-Agbara).

Elechi (1982) supporting the process of settling disputes, argues that a man seeking justice in Ikwerre could so inform the elders of the village by paying one or two manias as a summons fee. The other person would also be

informed and could be expected to deposit an amount exactly equal to the summons fee paid by his opponent. The council of elders would be summoned on the appointed day and the litigants would be called to state their cases, starting with complainant and any interested person was free to attend the hearing since settlement was never done in secret, the two parties are free to come along with their relatives and friends for moral support.

According to Obisike (1995), the complainant opens his case by stating what prompted the suit action. He will be required to substantiate serious allegation with definite proofs, this he may do by calling witnesses who would testify to the truth of whoever he/she wants to make witnessing statement to avoid undue influences. Experience has shown that sometimes a witness may have a divergent statement with the man who called him as a witness. The complainant was then cross-examined through questioning by the other party and thereafter, the elders or judges ask questions and the same applies to the witnesses and sometime ability or inability of the witness to answer questions will help the judges in handling the cases, though false witnesses do exist if the answer to a particular question was disputed, especially where it would affect the verdict, judgment would be suspended immediately and more investigations conducted to find out the truth or falsehood in what they claimed.

At this point, both disputants would be asked, to use certain amount of money as a bet to support their claim (Mbawu). Whoever was proved a liar, lost his money on the side bet and the case resumes. The second party also states his own side of the case and the same process of cross-examination was employed. After the case has been cross-examined thoroughly, the elders would declare the verdict instantly where guilt or liability is clear from evidence beyond doubt by presiding judge but this is rare. According to Uzomba (2002), the normal procedure was that at the end of the hearing, the presiding judge selects from among the audience some people who are objective to reconsider the statements in order to arrive at a consensus (Izuzu). Normally the disputing parties are not appointed and such selection was not compulsory hence any person who feels and suspects that his interest could clash with that of either party could on his own decline. The parties in dispute could either be sent away or the elder's judges withdraw out of ear-shot for consolation which could last from a few minutes to several hours, Obisike (1995).

During this period of reviewing of statements (Izuzu), the presiding judge (elder) takes headship of their deliberations. At this stage, people are free to contribute reasonably and at the end they agreed on a standing verdict. According to Waga (1993), the role of the consulting group here reveals that they were the real judges since they decided the manner and form the verdict should go. At the end of it all, they will select a highly experienced man, preferably the most elderly as the spokesman who will announce the verdict to the disputants. Emenike (2005) asserts that, as they returned (disputants), the quarrelling groups were asked to produce either a bottle of gin or money for the pronouncement of the verdict. Then the spokesman announces the verdict which he starts by summoning basically an urgent need for reconciliation, mending of fences and forgiveness for each other and at last goes into the verdict which was usually confirmed by general affirmation. Whoever that lost the case, also lost his summons fee and drinks. Sometimes, fines are imposed or one party would be topay compensation to the other. It was impossible for somebody to revive bribe (Awufo) in order to further the case of a particular litigate. This person appears very vocal during the consultation (Izuzu) but his success was occasional because if a matter was clearly defined by tradition, there was little or no need trying to influence anybody or the case, (Elechi 1982).

## Conclusion

The man who lost the case may not immediately accept defeat, but after sometimes, he would and some people may go to the extent of seeking redress elsewhere either by legal or spiritual term. There are also few instances of a case between an individual and a community such a case must be an abominable crime such as witchcraft, one becoming a security risk, murder and desecration of shrine. The accompanying punishment used to be death penalty. Priest also tries cases, the process is the same, but hearing takes place in the shrine before the assumed presence of the deity for instance, shrine of deities like Alakikia, Ojukwu, Ihuali, Woviewugo, Minigrigri, Ahukwu, amadiioha and other alters to mention but a few. The process is also the same of the palace of the Nye-New-Eli whose judgement constitute some family chiefs as he may deem necessary to invite, Allot (2000).

### **Recommendations**

The research made the following recommendations in course of the study.

- (1) Ikwerre ethnic nationality should have an overall Royal Highness as in Ogba, Benin, Ijaw and other notable ethnic groups. This will boost unity and transparency in Ikwerre-land, in terms of governance and arbitration.
- (ii) Such position of Ikwerre/national Royal Highness stool should be contested for and other pockets of Royal Highness should be answerable to him
- (iii) The judicial process of oath-taking in Ikwerre-land should be re-emphasized in the administration of justice. It is unfortunate that oath-taking which is a sure means of determining truth in Ikwerre is being eroded by Christianity.

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