



**PRINCIPLE OF SEPARATION OF POWERS IN THE OLD OYO
EMPIRE AS A TEMPLATE FOR THE CONTEMPORARY
POLITICAL STRUCTURE IN NIGERIA**

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Abstract

The well-structured political administrative set-up of the old Oyo Empire allowed relative peace to reign in various communities and traditional rulers were not left out as they were charged with the responsibility of ensuring that there was peaceful co-existence among people in those communities. Therefore, for there to be peace in the old Oyo Empire, the Alaáfin and his Council of Chiefs known as the Oyo-Mesi developed a structure built on the principle of separation of powers to address various conflict related matters. This was borne out of the fact that for development to be achieved in any community, people must live in peace no matter what. In order to achieve this, separation of power was put in place to avoid usurpation of duty and overlap of functions. The peaceful co-existence experienced in the old Oyo Empire was made possible due to this deeply rooted principle. Existing studies on the roles played by Alaáfin and his chiefs in the old Oyo Empire have mainly focussed on the social, economic and religious perspectives with little attention paid to how Alaáfin in council made use of the principle of separation of powers to resolve conflicts, and how such strategies can be adopted as a template in the contemporary political structure in Nigeria today.

Keywords: Separation of Powers, Conflict Resolution Strategies, Alaáfin, Yoruba society, Oyo Empire.

Introduction

The relative peace experienced in the past in Yoruba society came due to a very strong democratic, administrative and conflict resolution structures put in place by the traditional institution in the old Oyo Empire. (Ajayi, A.T, Buhari, L.O.2014) It is then apposite to say, that before the British administration, Oyo Empire had a very unique way of administering their communities thereby bringing about peaceful co-existence and spirit of togetherness. The traditional rulers as the custodians of the morality of their subjects in the old Oyo empire, played immense roles in formulating a well – structured political, administrative and conflict resolution structures to direct the affairs of their people and resolve conflict in various communities (Olaniran, O., 2013). This accounted for the relative peace enjoyed in those communities in times past. The manner of intervention of traditional rulers and their chiefs in various communities in the old Oyo Empire was a strong determinant of how successful the reign of the traditional rulers will be and how peaceful the society will also be (Roger, B., 2006).

How successful, efficient and effective the resolution of conflicts is in any society, is critical to the development of such society (Adedokun, A., 2017). But, the situation in Nigeria is a reversal of this reality. Yoruba society known to be peaceful, accommodating and friendly in the time past, has now become a place riddled with conflicts of different versions and nomenclatures such as ethno-religious, intra-ethnic and political conflicts (Michael, B. A., 2012). There is now a paradigm shift from a peaceful society to an arena of violence and gradual disintegration. These series of avoidable conflicts have led to wanton destruction of lives and properties worth millions of Naira and the security agencies like the police and military have no answer to such conflicts on many occasions (Onah, N.G., 2017).

There is no doubt that the strategic position that Oyo occupied was one of the reasons for its rise to power in the sixteenth century, Oyo began to rise from a junior kingdom to a position of commercial prosperity and military power. Oyo's prosperity and prominence was as a result of its fertile soil and its position as the leading trade centre south of the Niger. The kingdom enjoyed trade relationship with other parts like the Nupe and the Hausas from the North and other major markets in those days (Aborisade, A.S., 2015). Apart from the geographical advantage Oyo had over and above other cities around, its industrial skill must also be mentioned as another reason which enhanced the growth of the empire. The people more than any other people from and around Oyo were very skilful in weaving, dyeing, carving and using iron to make tools like farm implements and household utensils.

The monarchical system of government which was hinged on the principle of separation of powers was centralised and second to none. The king was served by an advisory council which consisted of civil nobility. He was also assisted by the executive agencies among whom was the age grade (*Ojo ori oni-ro-ji-ro*) (Fadipe, N. A., 1970.) The age grade was given specific functions to perform in the community. Another notable agency that worked hand in hand with the king was the Ogboni who helped in the integration of the community (Omolewa, M., 1985). The Ogboni were responsible for the passage of laws and in the appointment of kings. The Ogboni therefore,

combined the judicial, political, religious, social and administrative duties for the smooth administrative running of the empire. We also have Oro and Egungun who performed the functions of the modern day police. They were to arrest and punish offenders, in order to get rid of crime and criminal activities in the society (Webster, J. B., 1987).

Though, the king could be said to be at the helm of affairs but he was assisted and advised by various groups in the community which made it impossible for him to be despotic or rule arbitrarily. From the political angle, the Òyó Empire had a very strong political structure that distinguished it from others. The Aláàfin of Òyó was the king (*Òba*). In the past, Aláàfin was seen three times in a year. The periods were during the celebration of Ifá, Orí and Bere festivals. The Aláàfin was powerful, but his power was constantly put under check by the Òyó Mèsì. These were seven king makers whose duties in the old Òyó Empire were to select a king from the ruling houses and watch over the action of the Aláàfin, and on many occasions, cautioned him from going beyond his bound (Fadipe, N. A., 1970). There was also the army commander whose duty was to protect the territorial integrity of the Empire. He ensured that there was peace in the community and to avoid a clash of interest. Àrẹ̀ Ọ̀nà Kakańfò by tradition lived in a frontier province of strategic importance to prevent foreign attacks on the capital. Àrẹ̀ Ọ̀nà Kakańfò was not permitted by tradition to participate in politics. The executive, legislative and judicial arms as we have them today in many countries of the world, is a replica of what obtained in Oyo Empire. There were strong checks and balances and there was no overlap of function. This really made the Empire to expand to parts of Dahomey, Badagry, Ègbá and Ègbádò. As said earlier, the Aláàfin was powerful, but two important groups-The Òyó Mèsì and the Ògboni society acted as limitations on the power of Aláàfin (Ayittey, G., 2012). They could not depose him but could ask him to commit suicide. This was done by the Basòrun who presented the erring Aláàfin with an empty calabash containing parrot's eggs which signifies the rejection of the king. This shows how strong the political structure of Oyo Empire was then.

But, despite the separation of powers in the old Oyo Empire and the so much influence the empire had, it's political, administrative and conflict resolution systems became so unbalanced that it brought about a civil war. Basòrun who was the head of Òyó Mèsì and the Prime Minister became power drunk as he raised five Aláàfin and destroyed four of them in the third quarter of the eighteenth century. He ruled despotically. People in the town suffered so much under his rulership. At last, Aláàfin Abíódún plotted against Basòrun Gaha and was burnt alive (Atanda, J. A., 1970). The Egba under Lishabi used the opportunity of the civil war to their advantage as they killed Aláàfin Ilari's and proclaimed their independence (Davis, L., 2014). This was the genesis of the decline in the power and prominence of Oyo Empire.

On the conflict resolution strategies and its phases, it is very important to mention here that in order to have a holistic view of how cases were resolved, the traditional institution in Oyo Empire made good use of traditional conflict resolution techniques such as mediation, adjudication, reconciliation, and negotiation as well as cross examination employed at every level of administration in Oyo Empire (Ojigbo, A.O., 1973). These strategies helped in no small ways to tackle both civil and criminal cases. The techniques were far better, less expensive and less time consuming than the modern method of litigation settlements in law courts where matters were not totally resolved. Settlement of cases at the family level begins with the intervention of family

head (*Olórí-Èbí*). Apart from the family head, we have the Ebi, (extended family headed by Mogaji. The Mogaji must be influential and must be a man of proven integrity. He must possess the attributes of *Omólúàbí* in all his dealing with his family members. Those under his supervision and control are the entire members of the extended family which includes all people who have blood ties. Next to this, is the Báálè who is the head of compound and various family units. From the *Olórí-Ebí* to the Baale, matters resolved include conflicts among co-wives, brothers and sisters, incest, parental irresponsibility, assault, battery, street fights and so on (Siyanbade, B.W. 2017). Many principles guiding conflict resolution in the Empire were traditional in nature. Those who wanted their matters settled must have confidence in those that would resolve the dispute. The (Báálé, and Oba in various communities invited the disputants to state their cases. This is based on the confidence reposed on their traditional rulers. This structure of conflict resolution mechanism by the Alaafin's administration in Oyo Empire was based on ethical values of truthfulness, honesty, uprightness, and fairness. Any case that were too complex to handle by the *Mógàjí*, Báálé, were referred to Oba who was readily at hand in the palace to attend to such cases) like chieftaincy matter, criminal cases, adultery, treason, incest and so on . Apart from the assistance of the council of chiefs, we also have the Oyo Mesi (seven king makers). Before the verdict was given, the Oba and his council of chiefs must make sure that all issues that led to the conflict had been handled without bias, prejudice and sentiment. After the matters are settled, the Alaafin with his wealth of experience makes a pronouncement and this will be done to the satisfaction of the disputants. This indicates that the Alaafin is an epitome of culture and traditions in Yoruba land. The warring parties, no matter their level of grievances, would be wholeheartedly satisfied with the manner the cases were handled. Oba must not compromise no matter how close or related the accused and defendants may be to him or to any of the chiefs (Adeboye, O., 2007). As the Oba pronounced his verdict, the disputants must display publicly that they were satisfied and that they were ready to allow peace to reign. One of the disputants would be called upon to thank and appreciate the unbiased, intellect, knowledge and the integrity of the *Kabiyesi* and his chiefs on the way they have handled the matter (Albert, I.O., 1995).

Conflict Resolution Strategies in the Contemporary Yoruba Society.

What we have observed in the recent time in the resolution of various conflicts in Yoruba land in particular and Nigeria in general is now placed in the hands of the police and military who are saddled with the responsibility of maintaining peace and resolving conflicts have not been able to live up to expectation. There are many factors that are responsible for this. The number of security men are grossly inadequate to address these conflicts, corruption which has become the order of the day in the country and the methods and the processes used which are modern and alien to the culture and tradition of the people. This is more reason why they have not been unable to build peace despite their coercive power. Also, in many of the communities in Yoruba land, the media (Radio and Television) have developed a structure to settle matters that are brought to them. For example in Ibadan, there are Radio and Television stations where programmes are aired once in a week to resolve conflicts. Example of such programmes in Ibadan are *Agbòràndùn* of Nigerian Television Authority (NTA), *Só Da Bèè* of the Broadcasting Corporation of Oyo State (BCOS), *Gbangbadèkùn* of the Broadcasting Corporation of Oyo State (BCOS). These stations on a weekly basis invite elders in the communities with wealth of experience to speak to warring parties (Akpan,

F.U., 2013). On many occasions, matters were not absolutely settled and they may not be able to enforce any judgment but just to appeal. The high spate of insecurity, threats to lives, conflict related cases that have reached an unimaginable proportion despite the presence of law enforcement agencies and various programmes on the Radio and Television on how to resolve internal conflicts call for an urgent attention. The blame on the increase in violent conflicts can be traced to the failure of the state in rising up to the challenge as and when due. The questions that are begging for answers are; (Kuusik, N., 2010). How had the people in Oyo Empire been able to resolve their conflicts in the past? Why are the modern strategies in resolving conflicts defective? How can we integrate traditional conflict resolution strategies with the modern conflict resolution strategies in Yoruba land and Nigeria in general?

The Nigerian Brand of Separation of Powers

The advent of democratic governance in the country in 1999 after a long period of military interregnum was a welcome development as Nigerians believe that it would bring an end to many years of lawlessness, tyrannical leadership, nepotism, favouritism, mis-management of common wealth, high handedness and a gross infringement on the fundamental human rights of the people. This belief was however short lived, as the citizenry came to the reality of the fact that there was little or no difference between the military and the civilian systems of government in Nigeria (Frank, E. O., 2012). The reason behind this is not far-fetched as many of the country's political office holders have re-designed their own brand of good governance and this has really endangered the vision and dreams of the founding fathers of modern Nigeria. Today, the country is ruled by a few Nigerians who claim to have the love of their fatherland on the outside, but love and lust for money and a get-rich at all cost syndrome has infiltrated and has threatened the nascent democratic structure (Adetula, V.O.A.)

The question we need to ask here is how do we get to this point of moral decadence and bankruptcy which has seen us degenerate as a nation and people full of hope and vision to this abysmal level of socio-political and economic poverty despite the abundance of human and natural resources at our disposal. One major problem affecting the political class in Nigeria is the absence of a clear cut principle of separation of powers as it was the practice in Oyo Empire and philosophy upon which governmental policy or actions are anchored (Olatunbosun, O.P., 1981). These are speculative and while it may be true in reality, we have no direct evidence to confirm many of these in a scientific manner.

Applying the Principle of Separation of Powers in the Old Oyo Empire for Good Governance

One outstanding feature of democracy all over the world is the principle of separation of powers by stakeholders in a democratic arena which is a carbon copy of what was in operation in Oyo Empire. It is not out of place, to state without mincing words that the principle of separation of powers as we have it in Nigerian political terrain today as earlier said is a replica of the well- structured political setting in the Yoruba traditional society, where the king and his council of chiefs and the *Oyo-Mesi* constituted the executive council, the Basorun acted as the Prime Minister, the *Ogboni* acted as the Judiciary while the Are Ona Kakanfo who was the head of the Eso led the military. This well-structured, well-defined and well delineated political structure

worked very well in the old Oyo Empire where the three arms of government worked for the common good of the general public and not for selfish interest (Fadipe, N.A., 1970). The contemporary political structure in Nigeria has been fraught with avoidable political tension. For example, the refusal of President Obasanjo to inflate assembly complex contract bill which was passed by the National Assembly to the presidency caused friction. The contract which was originally N17billion was inflated by the house to N25 billion. President Obasanjo's disagreement with the house to inflate the said contract caused serious tension between them (Dimeji, K. A., 2013). Another tension between the executive and legislature came to the fore during the demise of President Umaru YarAdua. Section 145 of the 1999 constitution states emphatically that in case the president is incapable to discharge his function, the vice president should take over. But, such declaration should be transmitted in writing to the both houses of the National Assembly. This was not done by the Presidency before he was flown abroad. The declaration was made to the whole world and not to the National Assembly. This caused serious friction between the Presidency and the legislature. The legislature insisted that such should be hand written and sent to the two houses. The tension was eventually resolved with the provocation of doctrine of necessity (Chijoke, O. E., 2010). The friction between the executive and legislature has become phenomenon in a modern democracies. Most of the times, the friction occur between the two arms of government significantly in matters relating to budget formulation and approval. Every successive administration is faced with this problem. The executive after passing the budget to the legislature, the issue of budget padding by the legislature will arise and this may take months to resolve before the final approval of such budget by the president is given (Ambrose, O.E, 2017). There having been frictions also between the presidency and the judiciary. Many of the judgments delivered by the judiciary are not carried out by the executive (Eniola, A., 2019). In fact, the list is endless.

The principle of separation of powers in the recent political sphere is merely on paper. In practice, the legislative and judicial arms of government are being controlled by the executive. The reason for this is not far- fetched, there are usurpation of power everywhere. A budget is being padded by the legislature without the approval of the executive, constituency project being manipulated and embezzled; the duty of the executive has been high jacked by the legislature. In many states of the federation, the executive and legislature colluded to perpetrate illegality (Theophilus, A. A., 2018). Example of this was the case in Oyo state where the executive and legislature colluded to remove democratically elected local council chairmen. What we have in Nigeria as separation of power is a hybrid system. The system has brought about unbridled corrupt practices at the hallow chambers like certificate scandals, budget padding, outrageous allowances and solidarity with the accused members, non-passage of bill due to unresolved conflict between the executive and the legislature, directing the affairs of the judiciary on who to prosecute and who not to. This is why Professor Itsey Sagay, the former President Olusegun Obasanjo and other Nigerians have indicted the current legislative arm from several angles on the magnitude of corruption in the National Assembly(Jibueze, J., 2016). Cases of hijacking of the mace, in fighting and cross carpeting and so on are common phenomena in Nigeria. Professor Itse Sagay was of the opinion that many politicians, who occupy the hallowed Chamber believed that they are not answerable to anybody and that they are above the law. He says and I quote" They are blatant in their misbehaviour, cavalier in their misconduct and arrogant

in the misuse of parliamentary immunity as a shield against reprisals for their irresponsible acts of malfeasance and/or outright banditry.”

Traditional rulers in Yoruba land have used their wealth of experience over the years to bring development to their people in the areas of health, education, agriculture, economy, politics, and religion and so on. Political office holders go to traditional rulers for advice and also to drink from their wealth of experience on national issues. This is as a result of the cultures of excellence, hard work, dedication, determination, sincerity, frankness, truthfulness, ingenuity, industry, and resourcefulness they showcased by them in the affair of their subjects. This is the main reason why Yoruba people are said to be educated, enlightened and well-travelled. Since they are very close to their people and because they command a lot of respect from their subjects, they are better positioned in the sustenance of the democratic principle of the traditional society. They are regarded as the custodian of the custom and culture of their people and because their enthronement was divine, their words are final.

Conclusion

We have been able to examine the ways peace was maintained in Oyo Empire through the application of the principle of separation of powers. Also, we tried to consider the various hierarchical democratic structures that existed in traditional society and how they were able to deal with conflict related matters at various levels in their communities. It is an undeniable fact that traditional rulers have played pivotal roles in the development of the country. As said earlier, their closeness to their people has made it easy for them to intervene and tackle various conflicts in their domains and seek instant resolution. This was made possible through the well-structured principle of separation of power. Their main concern was the peaceful resolution of conflicts which will metamorphose into peaceful co-existence of all and sundry which will in no doubt lead to monumental development as progress can only occur in a peaceful environment. Finally, we are able to analyze the hybrid separation of powers in the contemporary Nigeria,

Recommendation

Since traditional rulers are the ‘eyes’ of the people in traditional society, their roles and impact on their subjects cannot be over-emphasized. This is why there is the need to make some recommendations on how their efforts could be better appreciated by way of developing a synergy between them and various agencies charged with the responsibility of resolving conflict in the contemporary society.

For a better appreciation of the role of the traditional rulers at the traditional society, there is an urgent need for the harmonization of the norms and values the traditional society possess in order to reduce conflict related issues to a barest minimum. The various modern strategies put in place by government and its agencies have not been able to nail conflicts in the bud. There is therefore an urgent need to look inward and incorporate the traditional rulers to the modern methods of resolving conflict to bring about a holistic approach to the subject under discussion.

Given this development, the government needs to provide an enabling environment for the traditional rulers to showcase their God given native wisdom to handle conflict. This is very important because government has over the years played down on the capacity of the traditional rulers to make any meaningful change. They are only needed during campaign to help them mobilize people to vote during elections. If

the traditional rulers are given the opportunity to administer justice at their various domains, it will go a long way in reducing the already congested conventional court where proceedings are complex, sophisticated and unpredictable.

The involvement of the traditional rulers in the modern democratic arrangement in Nigeria is very necessary and this is why we are calling on the government at every level to re-invigorate and revitalize the existing strategies of conflict resolution in the traditional society. By strengthening the traditional institution through redefining their roles backing it up with appropriate legal framework which we redirect their *modus operandi* for better performance. If their decisions are given legal support and there is a paradigm shift from mere appeal to enforcement, it will make their efforts to yield fruitful result. It is an undeniable fact that traditional rulers and their council of chiefs enjoy easy access to the people and by so doing; they are very free to express their thought rather than the conventional court that is beaurocratic in nature.

It is also expedient for traditional rulers not to abuse their office for self-aggrandizement in order to command respect. In fact, this is very necessary as many traditional rulers think they are so powerful and that they can do anything they like. We heard of a king in Yoruba land beating up his wife. There is another case of an Oba who was accused of having carnal knowledge of a corps member. All these have really caused embarrassment to the exalted traditional stool. Traditional rulers should stir clear of playing politics when it comes to conflict resolution. Since they are regarded as the custodians of the culture of the traditional society, they need to showcase this in all their dealings by exemplifying the real virtues of Yoruba concept of *Omoluabi* in the way and matter they govern their people.

The government through the National Orientation Agency (NOA) should on a regular basis organize seminars and symposia for the traditional rulers in order for them to be abreast of the modern methods of conflict resolution use by the agencies of government. This will help them to know the happenings and how to get involved in the modern strategies employed as to incorporate this to their traditional system.

Traditional rulers too, especially the educated ones among them should hold regular meetings with other traditional rulers to acquaint themselves with the current trend of conflict resolution mechanism available in other part of the country. This will help them to have a broader view about how issues are resolved in other parts of the country.

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