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Traditional Boundary Dispute Settlement Mechanism in Nigeria: The Yoruba Example

Dolapo Z. Olupayimo Ph.D.

**Department of History and Diplomatic Studies,
Adeyemi Federal University of Education, Ondo
Nigeria**

olupayimodz@afuedondo.edu.ng

olupayimod@gmail.com

Mobile: +234 8034442478

Disputes are inherent in all societies, though the mechanisms for their resolution vary across cultures. Among the Yoruba of Southwestern Nigeria, boundary disputes—often arising from shifts in accepted land demarcations between individuals or neighboring communities—have historically posed significant challenges. This study examines the traditional mechanisms employed by the Yoruba to manage boundary conflicts with minimal recurrence. Data were obtained from both primary and secondary sources. Primary sources included oral testimonies from boundary litigants whose cases were resolved through traditional means, interviews with traditional boundary adjudicators, and relevant archival materials such as minutes of Customary Court proceedings. Secondary data were drawn from published books and journal articles. The data were analyzed using the historical method, which involved evaluating existing evidence alongside contemporary realities to assess earlier scholarly claims. The findings indicate that boundary disputes are inherently complex; however, traditional Yoruba dispute-resolution mechanisms proved more effective than the colonial-inherited judicial system, largely due to their built-in restorative and community-based processes. The study concludes that these indigenous mechanisms offer valuable insights for conflict management and suggests that policymakers consider integrating relevant aspects into contemporary dispute-resolution frameworks.

Keywords: Boundary disputes, Yoruba society, Traditional adjudication, Conflict resolution mechanisms, Customary law

Introduction

Before colonialism, the people who occupied southwestern Nigeria, predominantly the Yoruba, had a well-developed understanding of land boundaries and their demarcation. This is reflected in numerous age-long proverbs and maxims that emphasize the significance of clearly

defined boundaries. These include, sayings such as *Aàlà ni yóò fì ọkọ olè hàn* (it is the boundary that exposes the lazy man's farm).¹ While it cannot be stated categorically that boundary disputes were entirely absent at that time, available evidence suggests that boundary rows were relatively few and generally less violent. This could be accounted for in the abundance of virgin land and the fluid nature of territorial expansion which reduced the intensity of boundary-related skirmishes. This reality is further captured in expressions such as *B'ojú bá k'ojú ààlà, a máa tọ́*, (settling boundary conflicts becomes much easier when the litigants are made to see each other)² which underscores the stabilizing role of clearly recognized boundaries.

Since there were boundary disputes, no matter how few, there were attempts to resolve them, adjudication in boundary disputes was therefore, inevitable. And this necessitated the crafting of mechanisms for their resolution. Among the Yoruba, adjudication formed part of aboriginal power structures, and this covers the resolution of boundary conflicts. References within the Ifa corpus, such as a verse from *Okanran Owonrin*, indicate established norms guiding interactions between landowners and strangers, when it says: *Okanran owonrin onile lo lare ajeji o mese ile. Ajeji i ba mese ile a ba 'lu je...*³ In addition, histories of origin and migration were carefully examined as a means of settling inter-community boundary disputes. Two essential ingredients of customary dispute-resolution mechanisms at that time amongst the Yoruba people were the reliance on direct evidence presented by litigants and the reconciliatory nature of judgments. The aim of judgment at that time was the restoration of social harmony and cohesion

¹ This simply means "The boundary will show where the farm of a lazy man begins."

² If two boundary litigants could be made to confront one another in cross-examination, the demarcation will certainly be properly negotiated.

³ An excerpt from *Okanran Oworin* which means "*Okanran Owonrin, the visitors does not know the history of the land, therefore, the land owners are vindicated. If the visitor had known the history of the land, they would have disparaged the city.*" See Ayo Salami, *Ifa: a Complete Divination*. (Lagos: NIDD Publishers, 2002) p. 419.

rather than penal sanctions. Consequently, formal adjudication of boundary disputes was relatively rare during the pre-colonial period in Yorubaland.

This home-grown Jural rules was significantly transformed when the British legal system was introduced. The British colonial courts replaced reconciliatory judgments with retributive ones, a reflection of the principles sustaining English legal system. Succinctly put, the imposition of the British legal system was meant to stabilize colonial administration and protect the British economic interests.⁴ Consequently, boundary demarcation gradually became a matter of colonial administrative convenience, permitting colonial officials to intervene directly or indirectly in land disputes, a matter that was hitherto customary or the exclusive preserve of the local residents. A notable example is the protracted Akure–Idanre land boundary dispute, which began in 1912 following the granting of timber concessions to Millers and Brothers. The dispute under reference, which centered on entitlement to timber royalties, reemerged recurrently and was eventually decided by the Supreme Court in 1943.⁵ It is illustrative of the limitations of the British colonial judicial interferences in resolving inter-community boundary conflicts in Yorubaland.

Throughout the colonial period, boundary disputes were often addressed through administrative inquiries presented as judicial proceedings. All the officials that presided over such cases, such as District Officers, Residents, and Governors were not trained judges.⁶ The proceedings therefore, lacked standardized judicial procedural rules. Judicial decisions were merely guided by discretions made to align with colonial interests.⁷ Moreover, despite the fact that customary Courts' original jurisdiction over land matters was retained, they were presided over by

⁴ See a discussion of the judicial reform of 1933-54 in Omoniyi Adewoye, *The Judicial system in Southern Nigeria: 1854-1954*(London: Longman Group, 1977) pp. 266-267

⁵ *Adesida, Deji of Akure v. Adegbule, Owa of Idanre* Suit No. W/40/1939 Supreme Court, Benin.

⁶ Omoniyi Adewoye, *The Judicial System in Southern...* pp. 51-53

⁷ *Ibid.* pp.53

officials who lacked sufficiently training in the English law, which they were required to apply.⁸ These structural imbalance did not change even during the post-colonial era. Moreover, in spite of legislative involvements such as the Local Boundary Settlement Law (Cap. 69) of 1956⁹ and successive edicts, such as the 1968 Edict,¹⁰ boundary disputes continued to reemerge, often relisted before new administrative commissions long after judicial decisions had been conveyed.

A cyclical pattern in both colonial and post-colonial periods has been the failure of judicial and administrative solutions to achieve finality in boundary disputes decision.¹¹ Court rulings has consistently failed to account for historical patterns of settlement, shared land use, and cultural connections. Colonial boundary delineations, which was designed primarily to outline administrative jurisdictions, often separated villages from their natality and farmlands without regard for aboriginal ownership or social ties.¹² As a result, boundary disputes continued to persistent as a potent source of inter-communal tension, sometimes growing into ferocious conflicts.

Scholarly attention has tended to prioritize international and inter-state boundaries over internal or inter-community boundaries.¹³ This imbalance is evident not only in Nigerian scholarship but also in studies of boundary issues across Africa.¹⁴ Yet, among the Yoruba, internal boundaries are of

⁸ F. A. Ajayi, "The Interaction of the English Law with Customary Law in Western Nigeria" in *Journal of African Law*, 1960. pp. 40-42

⁹ NAI Local Boundary Settlement Law (Cap 69) of 1956

¹⁰ Western Nigeria Edict No. 5. of 1968

¹¹ Ekiti State Ministry of Information Record, 1997

¹² R.T. Akinyele, "Historiography of Nigeria's External and Internal Boundaries" in R.T. Akinyele (ed.) *Academic Disciplines and Border Studies...*p. 144 See also P. A. Oluyede "Judicial Settlement of Boundary Disputes in western Nigeria" in *Odu: Journal of West African Studies*, 1970,pp.54-67

¹³ For a detailed work on similar issue as the one done by Adejuyigbe on Western Nigeria see Raymond Bagulo Bening, *Ghana Regional Boundaries and National Integration* (Accra: Ghana University Press, 1999). p. 1. In his preliminary discussion he emphasized the dart of scholarly work on internal boundaries of in Africa.

¹⁴ J. R.V. Prescott, *Political Frontiers and Boundaries of Nigeria* (London: Allen and Unwin: 1987) p. 23

weighty socio-cultural importance. Indeed, it commands great influence on communal identity, land tenure system, and inter-communal relationships. As such, disputes over such controversial boundaries are pursued with substantial passion, stressing their significance for internal security and development.

Moreover, internal boundaries may be described as the lynch-pin of internal security arrangement and it is paramount to internal development and progress. As such there must be adequate research and scholarly attention geared towards its study if internal communal tension is to be reduced to the barest minimum and internal cohesion is to be guaranteed. Again, since internal security may be at risk if internal boundary dispute resolution mechanism are not adequate, a research in this direction is justified by its focus at resolving a problem, central to internal security as matter of necessity.

During the early days of British judicial system in Nigeria, boundary cases were only entertained by the Provincial Courts. At this time, there were no legal representation; disputants merely gave direct evidence and each side was given the opportunity to cross-examine the other.¹⁵ The purpose of this was to ensure internal cohesion since the colonial administrators were familiar with the difficulty that could arise from improperly resolved boundary dispute. With time, the High Courts were give jurisdiction in boundary cases and more legal ventilations were introduced. For instance, counsel were allowed to appear for disputants. Under this new dispensation, the ability of the counsel was based on two prongs; his expertise as a legal practitioner and the proper briefing earlier given him by his client who must support their claims over the disputed area with relevant survey plans. At that stage, the presiding judge only had the opportunity of asking questions from

¹⁵ Omolade Adejuyigbe, “*Boundary Problems in Western Nigeria: A Geographical ...*” pp. 81-86

the witnesses, but never had the privilege of cross-examining them.¹⁶ One consequence of this was that, judgments were based only on information presented during hearing and depended on unchallenged evidence so tendered.

Historical issues like the details of the patterns of occupation were not given adequate attention and judgments were hinged on the assumption that the disputing communities must have agreed on a particular boundaries in the past.¹⁷¹⁷ The implication of this was that Court rulings at that stage lacked the necessary historical considerations since colonial officers who had little or no understanding of the peoples' custom were the arbiters. Another justification for this study at that stage was that there seem to be a lacunae in the judicial process as far as boundary adjudication was concerned and a research in this direction is necessary to properly identify this lacunae and proffer possible ways of bridging it.

This study is therefore, justified by the need to critically examine traditional Yoruba mechanisms for resolving boundary disputes, especially putting in perspective the persistent inadequacies of the colonial judicial structures. By adopting a historical approach, the study seeks to identify aboriginal judicial conducts, their limits, and their efficacy in managing boundary conflicts, with a view to contributing to existing discourse on sustainable and culturally grounded conflict-resolution policies.

Traditional Boundary Dispute Settlement Mechanisms in Southwestern Nigeria

¹⁶ R. T. Akinyele, "Historiography of Nigeria's External and Internal Boundaries" in R. T. Akinyele (ed.) *Academic Disciplines and Border Studies...*p. 144. O. J. Fatile, *Management of Inter and Intra State Conflicts in Nigeria: An Empirical Approach*. (Pittsburg, Pennsylvania: Dorrance Publishing Company, 2011)

¹⁷ Oluyede actually was critical of the adoption of judicial solution to boundary disputes which he saw as another class of case on its own. For a detail of his position see P. A. Oluyede "Judicial Settlement of Boundary Disputes in western Nigeria" in *Odu: Journal of West African Studies*, 1970.pp.54-67

In pre-colonial Yorubaland in Nigeria, aboriginal authorities commonly adopted diplomacy to prevent the occurrence or intensification of inter-community boundary disputes.¹⁸ This was because they recognise that unmitigated conflicts could easily degenerate into wars among groups that often shared common descent.¹⁹ A fundamental principle guiding such diplomacy was the belief in common ancestry, sometimes expressed as the “myth of common blood”²⁰ which emphasized kinship ties as a basis for peace and restriction. Rather than resorting to instantaneous violence, community leaders explored non-intimidating measures aimed at both de-escalation and reconciliation.²¹

One of the earliest diplomatic strategies employed was the boycott of shared institutions such as rotational markets and socio-religious festivals.²² The joint-market and jointly celebrated festivals were both institutions that were central to inter-community collaboration, interface, and solidarity among groups regarded as blood relatives. The suspension of such ties usually sends a signal of grievance and created avenues for negotiation, mediation, or third-party intervention. Such measures often proved effective in compelling disputing parties to seek dialogue before escalation of conflicts.²³

Two fundamental considerations shaped the traditional resolution of disputes amongst the Yoruba people of southwestern Nigeria. These were; first, the nature of the dispute and second, the relationship between the quarreling communities. This study focuses specifically on land boundary disputes involving villages, towns, or larger political entities. By their nature, land

¹⁸ Isola Olomola, “Pre-colonial Pattern of Interstate Relations in Eastern Yorubaland” (A Ph.D. Thesis Submitted to the Department of History, University of Ife, Ile Ife, 1977) pp. 253-254

¹⁹ Ibid.

²⁰ L. J. Munoz, “Principle of Representation in Yoruba Kingdom” *Journal of Historical Society of Nigeria* Vol.IX No. 1 1977 See also, Wale Oyemakinde “Impact of the 19th Century Warfare on Yoruba Traditional Chieftaincy” *Journal of Historical Society of Nigeria* Vol. IX, No. 2 1978

²¹ Isola Olomola, “Pre-colonial Pattern of Interstate Relations in...p.253.

²² Oral Interview with Professor Anthony Ijaola Asiwaju 70+ (9th October, 2009 in his residence)

²³ Isola Olomola, “Pre-colonial Pattern of Interstate Relations in...p.253.

boundary disputes were potentially violent. This was because, land was central to economic survival and communal identity. However, where disputing communities shared close dynastic or ancestral affinities, conflicts were rarely pursued aggressively. A notable example was the tripodal boundary dispute involving Orile-Owu, Apomu, and Ikire.²⁴ As a result of the close affinity between Orile-Owu and Apomu, their dispute was not vigorously contested.²⁵ By contrast, the dispute involving Ikire proved far more contentious and has persisted into the present, underscoring the role of kinship and affinal relationship in conflict intensity.²⁶

Although boundary disputes were not entirely absent in the pre-colonial period, they were relatively rare. This can be attributed to the other factors such as abundance of land and the absence of intense competition for territorial control. Nevertheless, when disputes arose, traditions that forbade the shedding of kin blood encouraged disputants to seek prompt third-party intervention to prevent escalation.²⁷

Modes of Conflict Resolution

Traditional dispute settlement among the Yoruba people of southwestern Nigeria was governed by widely accepted primary and axiomatic jural-rules that functioned as fixed

²⁴ NAI Oyo Prof. File 2/32 Report of the Assistant District Officer Mr. Aitken to the Resident on Owu/Apomu/Ikire Boundary Dispute.

²⁵ NAI Oyo Prof. 1/1 Court Records *Adeniji Bale Apomu vs. Salami Bale Ago-Owu*. 1939 Judgment Delivered by Mr. E. J. G. Kelly p.4 The judge Mr. E.J.G. Kelly in this case confirmed that many of the elders who appeared before him in person were born at Modakeke, while the appellant was born at Iwo.

²⁶ Salami (Baale Apomu in evidence) in Suit No.22/28 *Ogundeji v.Akinfala* in Ibadan Judicial Division 10th October, 1939(unreported) NAI Oyo Prof. 1/1 Court Records *Adeniji Bale Apomu vs. Salami Bale Ago-Owu*. 1939 Judgment Delivered by Mr. E. J. G. Kelly p.4. The judge Mr. E.J.G. Kelly in this case confirmed that many of the elders who appeared before him in person were born at Modakeke, while the appellant was born at Iwo.

²⁷ One major finding of Omolade Adejuyigbe in his monumental study of boundary problem in Southwestern Nigeria was that people in the region never quarrel over boundaries until after the 19th century wars. See p.59.

explanatory patterns or normative paradigms.²⁸ While these rules applied broadly to various forms of disputes, they were particularly noteworthy in boundary adjudication. Their authority rested on communal acceptance rather than formal codification, and compliance was ensured through communal pressure, moral compulsion, and spiritual endorsement.

Procedure of Resolution

Conflicts over land were usually resolved by a third party who must of necessity be an authority respected by the disputing parties. The need for respect by the parties involved in the disputes is actually to facilitate the acceptance or enforcement of the decisions so reached following the various stages in resolution. The intervention of the third party was usually opened by an invitation of delegates from the feuding communities to one of the following three places: the spot in dispute, the courtyard of the mediator or another neutral ground, which could be the shrine of a powerful deity.²⁹

Accredited diplomats were chosen to represent their respective communities in confab convened at the instance of the mediator. The mediator was considered to be more than an arbiter in the sense that he was coming into the dispute usually when the disputants could no longer tolerate each other and all forms of diplomacy and dialogues had collapsed. The principal responsibility of the mediator was to restore peace, particularly when direct diplomacy had failed. An example in this regard could be drawn from the dispute between Akure and Idanre, which was taken to the colonial court despite the friendly pre-colonial relationship that had existed between

²⁸ This position of Adejuyigbe was buttressed by Isola Olomola who did another work entirely on the area. Isola Olomola, "Pre-colonial Pattern of Interstate Relations in...p.254. However, there were a number of territorial violation which were intercepted by the *owners*. For instance the posting of Alapotiemí to was to maintain the boundary between Oyo and Ilesá. Again the foundation of Osogbo has been argued by some historians as a step by the Ijesa owners of the area to maintain their boundary with Oyo.

²⁹ B. M. Barkindo, (ed.) *Management of Nigeria's Internal Boundary Questions*. Ikeja: National Boundary Commissions, 1993) p.13

the two communities.³⁰ Depending on the timing of intervention, resolution efforts were aimed either at preventing hostilities or reconciling combatants after violence had occurred. In cases of persistent non-compliance, the mediator possessed the authority to enforce decisions in the broader interest of regional stability. This explains why mediators perceived as lacking sufficient status or coercive capability were sometimes rejected, as illustrated by Ibadan's rejection of Ondo's attempt to mediate disputes during the Kiriji War.³¹ Resolution processes were conducted within a framework of mutual concession. Even where boundaries were fixed unfavorably to one party, compensatory arrangements in term of social, economic, or symbolic calculations were often made to preserve inter-community relations.

Traditional Judicial Procedure

Boundary disputes typically came before a paramount ruler or another recognized authority through intelligence information, because the paramount ruler was expected to know through intelligence before escalation. This is supported by maxim like, *eti Oba nile, eti Oba loko, eniyan nii je be*³²-(This means, the kings depends on intelligence reports). The Baale and elders of the disputing communities were invited to present their claims. Widely accepted maxims, such as *Agba kii wa loja k'ori omo tuntun wo*³³ (the presence of an elder in the market square was enough

³⁰ N. A. I. Suit NoW/40/1939 Supreme Court, Benin. *Adesida, Deji v. Adegbule Owa of Idanre* Part of the tradition raised was that Idanre was actually granted land for settlement by the Akure people on account of friendship.

³¹ Isola Olomola "Pre-colonial Pattern of Interstate Relations in...p. 254. This was also found to be true by the present researcher in some Oral Interviews conducted in Akure, Osogbo, Ede, Ikirun, Oba, Ilie, Oyan Okuku, Iragbiji and Ibadan, Ikorodu which magnanimously supported this. Again, no third party was qualified to settle the boundary dispute between Ile Ife and Ilesha, since both of them were seen as big wigs in the big Yoruba family.

³² The literal meaning of this is that 'king gets report both from town and villages with the aid of people put in places for such purposes.'

³³ This could be translated to mean 'the presence of an elder in the market square was enough to correct a young person's miscarried head'

to correct a young person's miscarried head), underscored the moral authority of elders in such unsolicited adjudication.

Following initial hearings, representatives were dispatched to inspect the disputed land, where further testimonies were taken. Witnesses from each community presented oral histories of settlement and occupation. These accounts were cross-examined to establish credibility. Authority figures were expected to be well versed in the traditions and histories of their domains, as political office was inseparable from historical knowledge.³⁴ Judgments were passed based on what was earlier described as jural rules or overlapping criteria, of seniority, lineage structure, and moral justification. It must be stressed that these rules functioned collectively rather than independently in determining outcomes.

Seniority as a Boundary Dispute Settlement Mechanism

Seniority occupied a central position in Yoruba social political organization and dispute resolution. It established tiered relations of responsibility and submissiveness and was determined by factors such as order of settlement, lineage descent, transmissible office, gender, and ritual authority. Numerous maxims having to do with seniority and its import among these people explain why an uninvited third party would consider the inter-community boundary disputes elsewhere his own prerogative to resolve. Some of the maxims relevant to this discourse include: *Agba ko nii tan lorile*;³⁵ *Agba kii wa loja kori omo titun wo*;³⁶ *B'omode ba laso bi agba, ko lee*

³⁴ Kemi Morgan, *Akinyele's Outline of Ibadan History* Part 2 p.13

³⁵ Ibid. p64

³⁶ This simply means, 'May the society never suffer want of elders'

lakisa bi agba,³⁷ *Agba ko si ilu baje, Baale ile ku ile d'ahoro*.³⁸ In the settlement of disputes, (boundary disputes inclusive), the concept of seniority, therefore, plays a crucial role.

In boundary adjudication, the rules of seniority were fixed explanatory schemes or rudimentary paradigms. Seniority was primarily interpreted through historical priority of occupation. That is, that first settlers possessed allocative rights over land. This logic extended to political authority, including the appointment of rulers in junior communities. The Ifon-Ilobu relationship illustrates this principle: although Ilobu contests Ifon's claim of original ownership, colonial records indicate that Olobu installations once required Olufon's consent, suggesting an earlier land grant.

Seniority could also override autochthony, particularly where migrants traced descent to Oduduwa. Seniority as one of the traditional mechanism for settlement of boundary disputes in Yorubaland southwest Nigeria was so important that some towns or villages founded by people supposed to have superior hereditary link with the *Oduduwa* dynasty were considered senior to the community they met in the location as autochthones. Although they did not allocate land to the existing settlers, however, they were allowed some concessions in the use of land not as *Atipo* (sojourners) or *Alajogbe*, (co-residents) but as *Alajobi* (consanguinity).³⁹ In such situation, boundary definition was not clearly drawn or not drawn at all since they saw each other as having the same traditional source.⁴⁰ Example in this direction could be drawn from the foundation of new

³⁷ While elders remain in the market, the heads of new born babes would be maintained in a proper position.

³⁸ Young people may boast of having more contemporary wears than an elder, they could not boast of having used more rags than them.

³⁹ Akinsola Akiwowo (1983). "Ajobi and Ajogbe: Variation on the Theme of Sociation", *Inaugural Lecture Series of the University of Ife* (now Obafemi Awolowo University, Ile-Ife) University of Ife Press

⁴⁰ I. A. Akinjogbin, *Milestone and Concepts in Yoruba History and Culture: A Key to Understanding Yoruba History* (Ibadan: Olu-Akin Publishers, 2002) pp.33-34

Oyo relocated by *Alaafin* Atiba to Ago Oja.⁴¹ This relocation was here considered as an alteration of the boundaries of Ago-Oja so as to accommodate the new reality. The *Alaafin* was, however, not subordinate in any way to Ago-Oja leader.⁴²

Lineage Structure as a Settlement Mechanism

Organised lineage structure was the core unit of land ownership and control amongst the Yoruba people. The concept of family starts with the descent group or lineage. Group loyalty was stressed at the expense of individual independence. The lineage structure brings people who live in a particular area under the leadership of a coordinating authority. It is an extension of the principle of seniority earlier discussed. The implication of this is that the rights of the descent group are relatively permanent so that an individual who returns home after many years in the city, for example, can reclaim entitlement to farm land and other privileges.⁴³ The traditional descent group shares a compound and typically, each member has a patrilineal core group to which he belongs.

Most of the core groups have hereditary chieftaincy attached to their lineage and a set of self-regulating functions concerning internal disputes and inheritance management. To foster the decision of the family or descent group on each member, each family also has its own titular deities and shrines. As an extension of this, each family has its own praise songs, and sometimes hereditary occupations.⁴⁴ Title to land and the control of its distribution among members are also in the hands of the descent group. Among these people, the descent group from which each person

⁴¹ Samuel Johnson (1921). *History of the Yoruba* Lagos: CMS Ltd.

⁴² Oral Interview with Lasun Gbadamosi, 89+ Ile Oluwata Ejigbo 23/05/2009.

⁴³ Oral Interview with Fatai Gbadamosi 65+ Ile Oluwata Ejigbo 23/05/2010

⁴⁴ Oral Interview with Kinboye Yusuf 73+ Ile Alawe (Ode Bara) Ejigbo, 23/05/2010.

comes is predominantly through the father. (It must be clearly stated that in the south-eastern part of the area of study, certain groups also have varying degrees of descent, patterns and inheritance through the mother's side.) In the opinion of Eades, there are, therefore, no hard and fast generalizations on this subject as it should be considered as flexible.⁴⁵ Lineages trace descent from a common member. New members are added by birth, while the dead are believed to retain their interests in, and influence over, the group, so that the group exists in perpetuity. There exists a formal lineage or family corporation, composed of senior male members who hold periodic meetings to run family affairs; such as holding and managing property, seeing to the economic welfare of members in need, caring for children of incapacitated parents, deciding who should hold family chieftaincy titles and arbitrating in disputes among members.

One major responsibility of the lineages among these people was the management of land through its allocation among their members, while competing with other lineages for tracts of land. In consonance with this earlier opinion, it appears that the degree of corporate identity correlates with the control of resources, basic among which was land. However, a number of factors seem to have conspired to wither the place of seniority among these people thereby affecting the societal fibre and invariably the aspect of land ownership and boundary demarcations as well as adjudication in boundary disputes, which depends for its traditional resolution on the basic ideal of seniority. Such factors include commercialization of the rural economy. This singular factor among others has led to a major shift in production systems such that seniority no longer entitles the senior party to significant productive benefit as it existed for such farm work in the pre-colonial period.

As earlier identified, the existence of a formal lineage or family corporation, composed of senior male members who held periodic meetings to run family affairs where such issues as

⁴⁵ J. S. Eades, *Yoruba Today* ... pp. 37-63

management of lineage properties received a corporate attention has become the initiating point of boundary dispute resolution. Indeed, it was from this level that the contemporary traditional boundary dispute mechanism was initiated as opposed to the old eavesdropping approach. When another community adjacently located to a lineage or descent group spotted a trespasser, it was quickly reported to the palace and other steps were taken immediately.⁴⁶

Moral Justification of Claims

Moral legitimacy was a decisive factor in traditional boundary adjudication. Claims lacking ethical justification were either dismissed or resolved through compromise aimed at reconciliation. **The Odeyinka case illustrates this principle.** Odeyinka was a village founded on Apomu and Orile-Owu land by people who claimed to have more affinity with Ikire. By location, Odeyinka village is closer to Orile-Owu but its people pay allegiance to Ikire.⁴⁷ While this arrangement initially generated no conflict, colonial intervention prompted renewed claims based on proximity, revealing the limits of colonial reasoning when divorced from moral and historical context.

Decisions in Traditional Boundary Cases

Boundary judgments were regarded as sacred, given their connection to the earth (*ile*), which symbolized both ancestry and continuity. Decisions in boundary cases were considered very significant as they border on the 'earth'. Truthfulness and faithfulness in the presentation of the disputing parties were considered crucial. They believed that all of them would eventually die and be buried under the 'earth' and since they also believed in the continuity of lives, lying to secure a better boundary judgment was greatly forbidden. To make allowance for truthfulness in both presentations and adjudication in boundary disputes as in other civil cases, there was oath taking which appeared in different forms as the dispute was being resolved. The climax of the decision

⁴⁶ *Ibid* p. 60

⁴⁷ NAI Oyo Prof. File 2/2 Report of the Assistant District Officer Mr. Aitken to the Resident

included a number of things which may be summed up as oath taking either directly or indirectly such as, the preparation and serving of food and palm-wine by both parties involved in the dispute as the case was being rounded off. This must be jointly taken at the settlement point. Other items which must be presented include: *Obi* (kolanut) *Orogbo* (bitter Kola) *Emu* (palm-wine) and money. The money paid is called *Owo Ijagbo*.⁴⁸ The last at the level of oath taking in boundary dispute resolution meant to seal the judgment could take one of the following forms: Some quantity of earth taken from the point in dispute and particularly the location where the new boundary had been fixed, mixed with some undisclosed things and given to the key representatives of the disputants to drink.⁴⁹ They believed that whoever drank such mixture and still violated the boundary, the spirit of the ancestors possessed the power to correct any misdeed emanating therefrom in the future.⁵⁰

Another level of oath taking in respect of boundary disputes and demarcation was that in which a specified number of kolanuts was placed at the newly demarcated boundary and representatives of the disputing community were asked to eat from it in turns, while the remaining would be planted at the boundary for demarcation. They believed that at least one of the kolanut seedling would germinate to become a permanent point of demarcation.⁵¹ Truthfulness was therefore paramount, reinforced through oath-taking rituals. These rituals included shared consumption of kolanuts, bitter kola, palm wine, and the payment of *owo ijagbo*. In some cases, earth from the disputed boundary was ritually consumed, with the belief that ancestral spirits would

⁴⁸ Oral Interview with the Odofin of Ikirun 76+ 14/02/2011 (it simply means bush clearing fee)

⁴⁹ Oral Interview with Fasasi Ajagbe 65+ Ile Lanigan Ede 13/02/2011. All my earlier interview also corroborated the claims made by this resource person. For instance my oral Interview with Lasun Gbadamosi, 89+ Ile Oluwata Ejigbo 23/05/2009, oral Interview with Fatai Gbadamosi 65+ Ile Oluwata Ejigbo 23/05/2010 and 114. Oral Interview with Kinboye Yusuf 73+ Ile Alawe (Ode Bara) Ejigbo, 23/05/2010.

⁵⁰ Oral Interview with Elder Gabriel Ayantunde, Ile Ejemu, Ejigbo and Chief N.A. Busari, the Osolo of Isundunrin 16/02/2011

⁵¹ Oral Interview with Balogun of Owode-Ede 65+15/02/2011

punish any future violator. Such practices ensured compliance and conferred spiritual finality on decisions.

Conclusion

This study has examined traditional mechanisms for boundary dispute settlement in pre-colonial Yorubaland. It argues that although boundary disputes existed, they were relatively infrequent due to abundant land and deeply embedded socio-cultural norms. Where disputes occurred, they were resolved through procedures grounded in seniority, lineage authority, moral legitimacy, and spiritual sanction. These mechanisms proved effective in limiting recurrence and preserving inter-community harmony. The study contends that the resilience of these indigenous systems offers valuable insights for contemporary boundary dispute resolution in southwestern Nigeria.

