Cases in Ancestral Origins in Micro Tribes in Nigeria:
The Discrimination Against Ndueze and Ewolokpo Families in Abbi, Delta State

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**Abstract:**

The law of the 1999 Constitution which is substantially the same with the repealed 1979 Constitution has made bold attempts, addressing the overarching problem of discrimination on the basis of birth, clan, tribal and ancestral origins. Tribal and ancestral origins in Abbi have captured our attention in this study which adopts the doctrinal method. The study seeks to confront and interrogate the ethnic and ancestral basis and grounds for the fierce discrimination against Umu-Ndueze and Umu-Ewolokpo families of Echala quarters of Abbi in Ndokwa West Local Government Area of Delta State, Nigeria. The drive of the study is informed by the legal methodologies through which the scrimmages are fought in courts of law without the protagonist ‘bending backwards’ to consider the evidence upon which the cases are built in the light of the brotherhood that had existed amongst the kindred families of Abbi, since time out of human memory, and the currency of the 1999 Constitution of the Federation of Nigeria on such issues. The study also underscores the evidence that the antagonists have brought to bear on the disputes in the courts in defence of the discrimination in the light of the history of Abbi which had been constructed in recent times by Abbi native writers based on traditional history and evidence and colonial intelligence reports and accounts. The study finds that deliberate attempts are being made by power elites to distort the history of Abbi people by the nature of the tendencies of the disputants and the drummers of the dance steps of the disputants have been clearly identified in Military and Civilian elites that gain prominence in the post colonial era in Abbi. Mere occupation of tribal, ancestral and kindred thrones and offices which do not yield much economic or financial transformation of the disputants cannot be said to be behind the crab-fights or kettles of fish. Abbi, in recent times, is not known to have grown its traditional and political leadership because of this tendency of power elites in self-destruction and self-deprecation. It is found that Abbi by nature is now disparate in orientation and self-divisive against the commensality that informed it earliest patriarchs’ endeavours. The discrimination against Umu-Ndueze and Umu-Ewolokpo families is largely caused by this tendency than any endemic ancestral divisions between the parties which founded the community many years ago.

**Keywords:** Abbi, Discrimination, Ancestral origin, Constitutional rights, Traditional history and evidence.
Introduction

In recent times, Abbi people have come to be entangled in court disputes over traditional rulership, tribal and ancestral discrimination and contests for thrones’ ascension. These squabbles can only be overlooked or ignored to the detriment of these micro communities whose histories had hitherto been largely unwritten as references where largely had to British European Intelligent Reports. According to Ekele (2012), while trying to reproduce and publish Captain J. E. Miller’s Report of 1913, Intelligent Reports on Ukwuani land provide a clue to the nature of the indigenous traditional political administration before the arrival of the Europeans in the space. The Reports also helped the Colonialists to appreciate how to hybrid their colonial political policies with the traditional systems when direct and indirect rules and appointment of warrant Chiefs failed to produce the desired result in the scheme of things. For Abbi, two great works have been done by natives: namely, R. O. Eka-Iloma and J. E. Oweh. It may be right to state forthrightly that these history books were largely informed and written in an attempt to set the records right and confute those that are peddling and purveying ‘manipulated’ versions of the history of Abbi people for their premeditated self and family aggrandizement. This is largely true with regards to the evidence that this research has confronted in two important micro communities of Abbi and Utagba Uno in Ndokwa West Local government Area of Delta State, Nigeria.

In the case of Abbi, for instance, Eka-Iloma took a great swipe at the Millinson’s Report which ‘distorted’ the history of Abbi by stating implicitly that Okwele quarter cannot produce the Okpala Uku of Abbi and that Inam is not an organized entity of Okwele quarters and this formed the sole basis upon which His Royal Highness, Chief Christopher Egbedi Enueweosu, the Uko-Okpala of Echala, has heedlessly and ‘unrepentantly’ hitched his basis for the stigmatization of Okwele quarters and thereafter, the Umu-Ndueze family in the transformation of the throne of the Oyuwa of Abbi to the King of Abbi and subsequently, the discrimination of the Umu-Ndueze and Umu-Ewolokpo families with regards to ascension to the throne of Okpala Uku of Abbi – the subject matter of this study. In these micro communities, patrilineal descent obtains and kinship is traced through the male line which owns property, holds political power and status in the society (Okpala & Nduka, 2012 p. 451)

The understanding of the current historical development of micro-communities is necessary for in some 100 to 200 years to come a lot would be saved from the works that are being done currently. This is speaking to the view expressed by Professor E. C. Emordi, Fellow of the Wolfsan College, Cambridge, England and Fellow of the Historical Society of Nigeria while penning the foreword to the book, Utagba-Uno: History and Culture by C. I. Egwenu Esq. (2020, p. xviii). Historians like Professors K. O. Dike and J. F Ade-Ajayi had called for a shift in emphasis from mega-states like Sokoto Caliphate, Oyo and Benin Empires to micro states which had hitherto been made footnotes in the study of the larger states. Even the corpus of the footnotes made by highly revered historians like Professor Elizabeth Isichie has been roundly attacked by the likes of Professor S. A. Okecha. But if Chikwem is in the right-footing that there has been so much conversation about Nigeria culture but little is known to the outside world about issues concerning ancestral hatred and tribal manipulation, this study is an attempt at deepening understanding of discrimination in micro spaces in Nigeria.

The foregoing sentiments also informed the copious literature that has been accumulated in the history of Utagba Uno where the Isumpe quarter: masquerading as the Isulumani octopus out of six other kindred families namely: Umusadege, Umuseti, Umusam, Ikilibi, Etua and Umusedeli: has cornered the traditional clan head institution of the community into a cul-de-sac to the extent that while writing the foreword to ‘My Life, My Way: An Autobiography of Chidi Isaac Egwenu’ Chief R. I. Clarke SAN
states, ‘in the over 30 years clan head dispute in his Utagba Uno community, the facts of which I have read in all the litigations and publications since 1985, the Author’s literary exposition on the facts of the matter in his several published articles over seventy, since the eighties confirm the aphorism that ‘the pen is mightier than the sword.’ But a significant phenomenon of these micro communities is that their peoples are poor. Poverty has rendered them ignorant and they exist in the fringes such that they are sometimes unaware of when they are being marginalized and those who marginalize them are the same people they lionize and worship as their emancipators and those who fight their real battles of de-marginalization are despised by them as ‘troublesome’. Those who ‘fight the real battle of their de-marginalization’ like Chief Orsino Chimsunum of Abbi, Barrister Chidi I. Egwenu of Utagba Uno and book writers like R. O. Ela-Iloma and J. E. Oweh believe that ‘people who are poor and ignorant and who may suffer unwarranted invasion of their rights without realizing it or realizing it, are powerless to defend their rights’ (Agbakoba (1993) as cited in Onwuhara, 2012 p. 419). Such personages, ‘refuse to believe that the bank of justice is bankrupt’ (Martin Luther King (1963) as cited in Silas, 2007 p. 257). They believe like Edward ‘Teddy’ Kennedy (1968) (as cited in Silas, 2007 p. 277), that ‘each time a man stands up for an ideal, or aids to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope’.  

Statement of the Problem

When Umu-Ndueze and Umu-Ewolokpo families of Echala in Abbi community are profiled and presented as incapable of ascending to the throne of the Okpala-Uku of Echala, Abbi which is the highest traditional stool of the people of Abbi or the Umu-Ndueze family head being the ‘Oyuwa of Abbi’ is incapable of ascending the throne as the ‘King of Abbi’ and that the ‘Nwadiani’ of Umu-Ewolokpo is consigned and graded as the ‘Chief Priest of Ani Deity’ the signals that are sent out to the members of the families, the Abbi community and the public at large are those of alarm, misgivings and cause for worry and enquiry. Do the signals indicate that these two prominent and populous families of Abbi are not ‘pure or original’ in the ancestral configuration and architecture of the community’s traditional rulership? Where and when did this odium and opprobrium arise: recently or in antiquity?

Researchers are bound to quip: but Chief Orsino Orji Chimsunum (an Engineer, ex-Chief Lecturer, ex-Director of Works, ex-Secretary to Ndokwa West Local Government Council, Delta State, Nigeria) had sometime deposed in an affidavit in a suit during trial before the District Customary Court, Abbi (now on appeal before the Court of Appeal, Asaba) that, ‘Umu-Ewolokpo and Umu-Ndueze lineages are entitled to be Okpala-Uku of Echala section of Abbi like other lineages that make up Umia and Elovie quarters? That Umu-Ewolokpo has had Okpala-Uku twice in the past (Okwa Igo and Okwa Ikobi) while Umu-Ndueze has had Okpala-Uku four times in the past (Okwa Ugborne, Okwa Itebu, Okwa Ose and Okwa Osakwe) with the relics of these reigns still existing: where then is this discrimination and marginalization coming from? What is the motive and who are those behind this sacrilege? Should two family lineages seat idly by and allow its past, present and future be subjected to such a vicious victimization, odious stigmatization and denial of right? Should Ndueze and Ewolokpo allow this build-up of a scar that may later resist an eraser?

Now, which of the divides is with the ark of truth? This study believes and agrees with Hettne (as cited in Suberu, 1996) that majority of ethnic problems are still unresolved and theory-building on them are still in the beginning stages. This is largely because there is a general acknowledgment of the inherent complexity, ubiquity, ambiguity, volatility and fluidity in the ethnic conflict phenomenon. The conflict phenomenon which ethnicity, tribalism and ancestral issues breed has long been recognized as one of the fundamental threats to institutional stability, communal order and cohesion in Abbi and in Nigeria generally. This study is thus determined to underscore this ‘micro’ conflict within the framework of the several cases
associated with the scrimmage in Abbi community believing in Suberu’s hypothesis that the existence of deep cultural identities and differences are not necessarily inconsistent with the institutionalization of stable forms of communal governance in micro communities like Abbi in Delta State, Nigeria.

Conceptual Clarification
Parties to the Conflicts and Their Relative Group Worth

Three families are involved in the dispute under study but other groups that are affected shall be touch-lighted. The Ewolokpo group is aboriginal to the geographic space called Abbi. They seem from the constructed history of the people to be the first (Eka-Iloma, 2017 p. 7 & 9) or the second (Oweh, 2017 p. 6) to arrive the Abbi space. In terms of age, their leader Pa Ewolokpo was considered the oldest amongst the earliest patriarchs of Abbi people. It is for these reasons of age and first arrival that he and his followers are in charge of the Ani deity. He left Benin to Aboh before finding his way to Abbi.

The Ndueze group is said to be of royal blood. Okpala Ndueze was the Patriarch of the group. They left Aboh in a later wave of migration to Abbi to join the earlier patriarchs of Abbi notably Udu son of Amacha. The Ndueze stock is a warlike group and for this reason, the group produces the ‘Oyiwa or Oyuwa of Abbi’ and serves the Nze (war) deity.

The Amacha group is said to be the first group to migrate from Achala to Aboh according to Oweh’s account. But Eka-Iloma’s account places them last of the three patriarchs of Ewolokpo, Ogwezhi and Udu. The Patriarch of the group, Ogwezhi Amacha, left Aboh for Ushie and eventually found his way with his elder brother (Ukwata who founded Umukwata) to Abbi. His son, Udu, later led the group to prominence in Abbi.

The Okpala Ogwezhi group founded Okwele. Their Patriarch, Okpala Ogwezhi migrated from Ubulu-Uku to Abbi. Okwele and Echala make up Abbi. However Echala is made up of Elovie and Umia quarters while Okwele is made up of Okwele Uno and Inam. Abbi is a covenant child created from commensality or consensus. The ideology of commensality holds the traditional world being of the living and the dead together (Okafor as cited in Mordi, 2005 p. 14).

The ancestors of micro communities like Abbi and Utagba Uno worked and laboured with faith to hew out of the mountain of antiquity and despair, stones of hope, transforming the jangling discords of ancestry and timeless migrations into beautiful symphonies of communal brotherhoods to work together, to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257). On the cordial relationship in antiquity between Pa Ewolokpo and Amacha for instance, Oweh (2018, p. 6) writes, Amacha and Ewolokpo entered into a covenant and agreed to live together, to struggle together and defend one another. And all these, the present elites want to disfigure and pollute with greed and power (Martin Luther King (1963) as cited in Silas, 2007 p. 257).
that the union was formed; and even in 1914
when they fell out with the British authori
ties, internal cleavages were hardly fingered. It can be
strongly stated that the reaction of Okwele and
other well meaning personages to the benign but
petulant activities of His Royal Highness Chief
Christopher Egbedi Enueweosu since the past 45 years is to commit to writing in the most
civilized way to rebut, confute and reposition the
history of the people against the antics of the
modern Amacha elites. Eka-Iloma for instance
demonstrated that it was Chief A. A. E. Ubaru,
a Permanent Secretary in the Military
Governor's Office, Benin-City, a native of
Okwele quarters that recommended Christopher
Egbedi Enueweosu for the post of
Commissioner for Finance and Economic
Planning to the Military Governor of Bendel
State, Colonel Agbazika Innih. Eka-Iloma (JP)
submitted further that while Colonel Innih was
a Knight of St. Mulumba, Chief Ubaru was a
Grand Knight in Benin Metropolitan Council of
the Order.

The author believes that the relationship paved
the way for the ascendency of Christopher but
he paid Chief Ubaru of Okwele quarters back in
bad coins by hitching to rely on the ‘decadent
Millinson’s Report’ as the sole basis for twisting
the clan-head declaration in favour of Echala
quarters to the discomfiture of Okwele quarters
(Eka-Iloma, p. 113 – 133). The Millinson’s
Report had stated concerning Abbi as follows,
‘There are 3 sections of Abbi: Omia, Okwere
and Erovie. The Okparas of the first 2 have their
own ndiches. But the Okpala of Omia is always
looked up to as the Okpala Uku. It is
recommended he be appointed as native
authority for the area. There are no villages
having an organization apart from the main
place.’ The last line was a reference to the non-
recognition of Inam as a sub-set of Okwele
quarters. However, there is a certain degree of
uncertainty regarding which Military Governor
the Ighodaro Commission acted under. While in
Utagba Uno axis, C. I. Egwenu referred to
Commodore Husaini Abdullahi; in Abbi axis,
Eka-Iloma was referring to Colonel Agbazika
Innih. The posting and deployment of Military
Governors were irregular and quick-sandy then
and could be excused. Commodore Husaini
Abdullahi (March 1976 – July 1978) took over
from Colonel George Agbazika Innih (July 1975
– March 1976). The Ighodaro Commission
started sitting in 1977.

**Theoretical Framework**

A couple of theories are applicable to the subject
matter and the nature of inquiry under study. Although the ones considered and deployed in
this study are not exhaustive, the following are
considered imperative:

**Indigenous Standpoint Theory**

A feminist theory first developed and
popularized by Foley (2002 & 2006), Standpoint
theory believes that what is known is socially
constructed from the unique point of view of
aboriginal peoples and that colonialism and
western civilization continue to threaten the
development and continuous existence and
integrity of indigenous standpoints. The dilution,
alteration and stultification of indigenous
knowledge with Eurocentric ideologies and
epistemologies have permeated traditional,
family and communal institutions ousting them
and supplanting them with western beliefs,
attitudes, norms and behaviours. In the process
of the interchange, ‘explicit and implicit or
hidden injuries’ are done to aboriginal peoples
that are not openly subjected to interrogation
but are as harmful as scares (Gowlishaw, 2020).

Indigenous standpoint theory as canvassed by
Timming et al (2023) believes that social groups
such as families and communities are
characterized by differential power relations;
more powerful social groups lord it over their
significant others and impose their normatively
constructed ‘standpoint’ on less powerful social
groups; and less powerful social groups can resist
the dominant hegemony of others by reasserting
their unique values, norms, beliefs and
behaviours (Rolin, 2009). In the setting of this
study therefore, the Abbi community through the
instrumentality of ‘Amacha’ regarded as the
founder of Abbi is itching to deny Umu-Ndueze
and Umu-Ewolokpo families of the natural
rights to produce and ascend to the throne of
Okpala-Uku of Echala Quarters, Abbi. The grounds upon which the discrimination is based shall be elaborately interrogated in this study. What is needed to be stated at this point is that the discrimination has been vehemently resisted by Umu-Ndueze and Umu-Ewolokpo families of Echala quarters, Abbi. The instruments through which the resistances are being fought shall also form a significant part of the conversations in this study. It would only be required to be stated that the proponents of the discrimination are a social group with the stronger standpoint in majority while the social group fighting off the discrimination (Umu-Ndueze and Umu-Ewolokpo families) are the weaker standpoint in the minority.

Stigmatization Theory

Goffman (2009) has been reputed to offer the most widely accepted Sociological framework for the study of stigma. For him, and many of his followers, stigma is ‘a spoiled, contaminated, discredited or discreditable feature of a socially tainted individual as seen through the eyes of “normal” people.’ It is a function of negative profiling, labeling, stereotyping and separation from the in-group and loss of social status and discriminatory behaviour on the part of the stigmatizing group. Who stigmatizes and who is stigmatized depend not on objective social indices but subjective perceptions, power play and politics. For instance, in ‘The descendants of slaves in Nigeria fight for equality’, Nwaubani (2019) characterized the caste system in Igbo land into four: The diala, obu, osu and ume. The standpoint of who belongs to any of these castes depends on who is dominant in the society. The diala are freeborn with full status. The obu are taken as captives from distant lands and communities for crimes, during wars or payment of debt. The diala keeps them as domestic servants, sells them as slaves or sacrifices them to deities in religious ceremonies or buries them alive with their owners. The osu are slaves owned by traditional deities. They are thus dedicated to these deities for live. A diala who wants a blessing such as a birth of a male child or who wants to pay for tribulation and avoid pestilence could offer an osu to a deity or shrine. The ume comprises of slaves who are dedicated to the most vicious deities in Igbo land.

It may no doubt appear in the course of this study to find that the desire of the Umu-Ndueze and Umu-Ewolokpo families to cast off the stigma that they and their family members cannot ascend to the ultimate throne of the Okpala-Uku of Abbi is rooted in the desire not to be stigmatized as not of royal blood capable of aspiring and ascending to the highest office in the land. The stigma that they are to be restricted in aspiration to the offices of ‘Oyuwa’ or ‘Oyiwa’ (war general or commander-in-chief of the armed forces) for the Umu-Ndueze family and ‘Nwadiani’ (Chief Priest of the Ani deity) for the Umu-Ewolokpo family which offices are well recognized in Abbi community and which rank as second and third to the office of the Okpala-Uku-in Council of Abbi (the highest in Abbi community) is what essentially drives their disputations within Echala Community of Abbi.

But the Umu-Ndueze and Umu-Ewolokpo families refuse to heed the position of the Amacha group. They maintain that the throne of the Okpala-Uku of Abbi is the inalienable title of the ‘oldest male child of Echala community’ and it is attained by virtue of age and not by virtue of membership of a family or ancestry. In so far as the candidate is the ‘oldest man in Echala community’ of Abbi which is made up of Umia and Elovie quarters, the candidate is qualified on his personal right and ‘the right of his chi’ to ascend the throne of Okpala-Uku. In other words, the exclusive positions of ‘Oyuwa’ and ‘Nwadiani’ which the Ndueze and Ewolokpo families enjoy are sacred duty posts which have been culturally assigned to them from time immemorial and arising from the unique roles they have played in the existence of Abbi community.

It may be necessary at this stage of the study to state that Abbi is an ‘Igboid society’ although strong and contrary arguments have been
canvassed by Professor S. A. Okecha (2012, p. 14 - 18) and Dr. Kingsley Ojie (2019 p. 12). But it is difficult not to abide by the authorities in the area of history. Professor Okecha is a Chemist and Dr. Ojie is a Medical Doctor. Professor Onwujeogwu (as cited in Oweh, 2018 p. 1) in his Abajjokwu Lectures at University of Benin, Benin-City submits eloquently of and concerning the ‘Isu movement of the 15th and 16th Centuries (during which period communities like Ogume and Ezionum were stated to have been founded by other historical accounts) which precipitated many Igbo communities in the eastern side to move from Nri, their original home, to the western side of the Niger River resulting in the finding of Asaba, Igbozo and Ubuluku-Uku.’

Abbi is generally accepted to be founded by Amacha who moved then from Achala near Awka towards Aboh then to Abbi space. However Abbi is further made up of two communities: the Echala and the Okwele stocks. While the Okwele stock is claimed to have been founded by Ogwezi who migrated from Ubulu-Uku, Echala which was said to have been founded by Amacha migrated from Awka in Anambra State. While Echala Community is made up of two quarters of Umia and Elovie, Okwele community is made up of Okwele-unor and Inam. Although there are several topical issues in the socio-ancestral relationship between the two stocks of Echala and Okwele, they shall only be captured in thematic dimensions in this study where necessary. For instance, the debate of which of the two communities is first to arrive the communal space is still rife and unresolved till date and how this affects their political relationships is also another kettle of study. The most that can be revealed at this stage of our study is that there are two separate but similar migrations and traditional institutions of governance that are gerontocratic to the hilt. Attempts in the recent past by Abbi to transform from gerontocracy to monarchy were largely scuttled by the forces that drive this research and the forces shall be interrogated in the main by this research.

**Phenomenological Theory**

The phenomenological theory is an approach associated with the works of Husserl (1999) and Schutz (1972) which posits that subjective perception and experience are the main sources of information about the world and the means by which we understand worldly phenomenon. In other words, social phenomena are centrally sociological and legal discussions and perception is the method of experiencing them and narratives are the means of extricating information about experiences. For the Umu-Nduze and Umu-Ewolokpo families of Abbi, they have to confront early the growing tendency to face general abuse from their younger family members who look up to the highest traditional and natural position in Abbi community as being outside their entitlement. What, for instance, has driven the IPOB (Indigenous People of Biafra) agitation in more violent and volatile dimension, is the phenomenon, the perception, the experience and the narrative that in the present configuration of the Nigerian political architecture, an Igbo cannot aspire to the office of the President and Commander-in-Chief of the Armed Forces of the Federation of Nigeria.

The Umu-Nduze and Umu-Ewolokpo families of Abbi believe that there is and or there may be public contempt and insinuations, innuendos, self-hatred, discriminatory exclusion and mental or suicidal ideation awaiting members of the group if they allow the accretion that they cannot produce the Okpala-Uku of Echala Abbi community to gain currency. It may be too late to stem it in the future if not fought now. Therefore, the critical issue lies in Abbi peoples’ use of sentiments of ancestral origin to judge members and relate with them (Sintalma, 2023). As Anueyiagu (2023) notes, Abbi divides must all be allowed to be ‘right’ in their standpoints as it is inertly difficult to change ‘families’ or change ‘bigots’ who will stick with the goals and ideas of their group or tribe through thick and thin. But the divides must be critical of what views their groups hold and what they do even when they appear right and rational. They should look outside for external opinion and validation because the prejudices of tribe and ancestry run deep and must not be allowed to divide Abbi badly.
Constitutional-Indigenous Theory

Human Rights Watch (2006) believes that in Nigeria there are two types of people: indigenous and non-indigenous peoples. Indigenous people are those who can trace their ethnic and genealogical roots back to the community of people who originally settled where they currently live and reside. Others, no matter how long they have stayed in the space are non-indigenous. Human Rights Watch narrative depicts that the phenomenon is a double-edged sword. While the concept helps to guarantee the power to preserve unique identities and cultural rights and powers like the Umu-Ndueze and Umu-Ewolokpos being the only families with the exclusive rights to produce the ‘Oyuwa’ and ‘Nwadiani’ (Commander-in-Chief and Priest of the Ani deity respectively), it may also lead to hatred of the families, discrimination and characterization as second and third grade indigenes. It is believed by many that desperate competition for basic level of social, economic and political security and relevance lie at the core of most inter and intra communal conflicts. The backgrounds and debates surrounding scarcity and competition over who is and who is not an indigene and who is and who is not entitled to occupy traditional thrones have also been made more intense leading to litigations and sometimes violent outcomes by the increasing burdensome economic and political consequences of losing in the debates and conflicts.

Constitutional law in Nigeria has rather accentuated ethnic conflicts by making deliberate constitutional provisions for ethnicity, tribalism and indigenous identity than underplaying them. Categorizations of citizenship by birth, registration and naturalization have been accentuated by certification and emphasis on state and local government of origin. These have trickled down to community of origin, families of origin, street of origin and even households of origin. In typical Igbo societies like Abbi maternal origin is de-emphasized while paternal ancestry is accentuated. It is also cultural for a man to completely adopt the maternal ancestral origin instead of paternal lineage and go ahead in the end to head the paternal family of the mother. Institutions like Idegbé custom exist in Abbi where a father who had no male offspring keeps his female child with him to enter into relationship with men in order to produce male offspring to continue the lineage of the father. In Abbi community there are two dominant headships: the Ochiebo which is the head of the paternal family and the Ochiogbe which is the head of the Street. Both positions are occupied by the oldest male member of the family or the Street.

Distinctions between indigenes and non-indigenes are made to delimit the boundaries between persons who are eligible to hold chiefancy titles in Abbi and participate in traditional institutions of governance and those who cannot; and as small land holdings and ownership are important incidences of indigenous origin, distinctions help to keep lands within the control of the indigenous family members. The distinction further helps to track who family members are by keeping track of family historical memories of great individual members and using them to construct and pass on family records. In recent times, family secretaries and secretariat are instituted and kept and perforce, the Okpala-Uku-in-Council now has record books and transcripts. Decisions are now reduced into writing and endorsed by the secretary and embossed with official stamps and seals.

Non-indigenous status results largely from later migration to meet older settlers or during colonial and post colonial movements to new centers of job creation and employment by Europeans. In other cases, it may be in search of greener pastures for agricultural and pastoral purposes. Human Rights Watch (2005) submits further that the distinction between indigenous and non-indigenous stocks may transcend questions of ancestral family membership, headship, thrones and land to subterranean political issues of power to dictate the pattern of development in a territorial space ‘in an atmosphere in which what harms one may benefit another’ or even the fear of the unknown in an era of uneven development. Addressing the corpus of the Constitutional-indigenous theory recently at the Institute of Policy and Strategic Studies,
Kuru, Jos, Plateau State, the ex-Vice-President, Osinbajo SAN had stated, ‘as humanity seeks to build a more durable, just and sustainable civilization, our natural prejudices and allied irredentist urges have to be disciplined and sublimated in a mutuality rooted in our shared humanity’ and collective security, going forward.

Osinbajo (2023) in the foregoing occasion in the paper titled, Creating a homeland for all: Nation-building in a diverse democracy canvassed that the most important issue in the country currently is how to end ethnic and religious prejudices by ensuring that no Nigerian should be discriminated against on account of his tribe or faith and urged for the condemnation of the ‘weaponization’ of such primordial biases for political, traditional and ancestral purposes. The legal pundit believes that the Constitution of the Federation, 1999 (as amended) affirms the right of all to freedom from discrimination on the basis of identity and that suggests that integration as a priority should be encouraged in order to create a civic nation. Doing that would not be an event issue; it is a journey; a destination and a work in progress. Osinbajo SAN was not distant from Cole (2022) who submits in Racism and Tribalism that current views in the ideological space have shifted from ‘all men are born equal’ to philosophies of inclusivity and diversity. It is such plenary that produced Obama as USA president and an ethnic Indian as a British Prime Minister.

A significant point which Cole has made that requires elucidation in the treatment of discrimination and marginalization in micro groups and closed societies like Abbi (as Abbi is being considered in the context of this study where the roles of Umu-Ndueze and Umu-Ewolokpo families are consigned to war and land ancestral priesthoods or thrones), is that the Amacha group may well successfully deny the Nduezes and the Ewolokpos of their natural right of ascension to the throne of the Okpala-Uku of Abbi but it may not stop the two groups from colluding with the Amacha group to discriminate against another sub-cultural group of Abbi like the Okwele community in related issues of interest to Ndueze, Ewolokpo and Amacha. For instance, as shall be found in this study, the entire community was able to deny the Umu-Ndueze family of the claim which was fiercely litigated at the High Court of Justice, kwale, that it was not entitled to produce the king of Abbi kingdom. The Umu-Ewolokpo did not support the Umu-Ndueze family that the stool of the ‘Oyuwa of Abbi’ should be approximated to be the ‘King of Abbi’. The Amacha group needlessly fought through its elites to ensure that Umu-Ndueze family head, the ‘Oyuwa of Abbi’ did not find its way to the Delta State government gazette as the ‘King of Abbi’. They successfully but ‘morbidly’ fought the stool of ‘Oyuwa of Abbi’ down to the downgrade of ‘a juju priest’ as blaringly proclaimed by Chief Solomon Egwenu in an Ndokwa based local Newspaper during the litigation which Umu-Ndueze gallantly lost at the High Court of Justice, Kwale. Yet the same Chief Solomon Egwenu is a protagonist of the affirmation that the ‘Oyuwa of Abbi’ can ascend to the throne of the Okpala Uku of Echala Abbi.

Theory of Conflict and Ideological Square

The conflict school is a diverse and pervasive one that believes that conflict is inevitable in any socio-political setting and is not peculiar to any part of the world even as its origin, nature, dimension, consequences and management vary from one community or society to another. It is Woff (2006, p. 2) who states that it is essentially a situation in which two or more actors or groups pursue incompatible goals yet believing and considering themselves as entirely justified from their individual perspectives. It is the struggle for space, power and material relevance by leaders and their supporters and followers and the material value is the key point (Otitie, 1999). In the circumstances of the people of Abbi in this study, the conflicts are cultural attachments to territorial and traditional thrones, disputation of families and elites over micro social structures. The challenges of managing these pluralities in ‘sentimental cultural givens’ have not been easy and have posed threats to the legitimacy of family, communal and traditional governance and the ability to offer quality leadership appropriate to the demand of the people. The mobilization of group and family cultural sentiments and solidarity in seeking to
gain or retain relevance has fueled anxiety, suspicion, fear of domination and outright conflicts (Osumah & Okpor, 2009 as cited in Uhunmwuangho & Epelle, 2011)

Van Dijik theory of ideological square believes that in prejudicial and discriminatory discourses two groupings are formulated; the in-group (us) and the out-group (them). The in-group constructs a representative schema in a four square move as follows: expression and emphasis are given to information that is positive about us while expression and emphasis are given to information that is negative about them. Suppression and de-emphasis is given to information that is positive about them and suppression and de-emphasis is given to information that is negative about us (Dijik as cited in Inyang, 2013).

As Anueyiagu (2023) pointedly said it, there is a preponderance of evidence that all is prone to the vices of tribalism and that all has the discriminatory tendencies in born in all that cause all to have polarization traits resulting in hate and prejudices. Furthermore, that there is nothing wrong with tribal instincts in all as tribal animals because of the bonding needs of social and political like-mindedness. This builds security, unity and strength but to turn same into persecutory instruments against others within the same small kindred community like Abbi by spreading prejudice and stigma is to become an albatross to humanity. To grow in peace and unity therefore, families must recount the horrible histories of their past with equanimity, embrace them with sincerity, confess them with the ark of truth and reconcile themselves with respect and profound love for one another. The anger, bitterness and desperation of those who have foisted the discrimination that is sought to be interrogated in this study on Abbi community are intricately sewn into the fabric of ‘little tribal bigots’ who hate only for the sake of hatred and for the sake of covering their inadequacies as humans. They are the shameful tendrils of the new tribal elites who are out to stifle and suffocate the aspiration, growth and development of Abbi.

Literature Review

Ethnic contests have been largely attributed to the ‘emotional power of “primordial givens” or cultural ties, the struggle for relative group worth, mass-based resources competition, electoral mobilization, elite manipulation, false consciousness, defective political institutions and inequitable state policies’ (Suberu, 1996). In Abbi, given the parameters of this study, ‘relative group worth, elite manipulation and false consciousness’ are phenomenally relevant or applicable. The other factors are ancillary and shall be considered as fringe influences in the struggle to deny Umu-Ndueze and Umu-Ewolokpo families the natural right to ascend to the throne of the Okpala-Uku of Abbi.

Elite Manipulation and False Consciousness

The colonial history of Abbi can be said to have been thrown into limelight by the emergence of Chiefs Ogboro and Ochonogor. Chief Ogboro was the first Warrant Chief to be appointed by the British authority at Abbi. He was wealthy and was from Okwele quarters and was one of the great men to emerge from Abbi as far as British colonial rule was concerned (Oweh, 2018, p. 144). About 17th May, 1938 a Central Council called the Native Authority for Kwale District was formed with 63 Member Central Executive Council made up of the Okpala-Uku etc of the clans of the Kwale District with headquarter at Amai and Chief Ochonogor Chukwuma was elected the President of the Council. The Council was to administer justice, maintain law and order, construct and maintain local roads and bridges, collect taxes and rates, prepare annual budget estimates, build and maintain native authority schools. It was a milestone reform in colonial administration when both direct and indirect rules in the kwale country was proving difficult to hold sway especially with the heady relationship between Abbi, Ezionum and Emu communities with the colonial administration in the face of the agitation that ‘the idea of conceding power to traditional rulers (Okpala-Ukus) was detested by the educated classes (who) saw the traditional rulers …as agents or tools of British imperial administration’ in the early rise of anti-colonial

The conflicts between Chief Ogbodo and Chief Ineh Ogude leading to the British invasion of Abbi in 1914 and the killing of Chief Ineh Ogude by the British are well chronicled before the emergence of Chief Christopher Enueweosu, a Central banker and Commissioner in defunct Bendel State government (Oweh, p. 128 – 134).

The arrival of Chief Christopher Enueweosu at the scene in Echala Abbi can be considered as the high water mark of the current conflicts finding crystallization in the discrimination and denial of the natural rights of the Umu-Ndueze and Umu-Ewolokpo families to the ascension to the throne of Okpala-Uku of Abbi. He had so held the people of Echala Abbi in his vice-like-grip that he has virtually rewritten their history. His word is law and he is the current Uko-Okpala of Echala Abbi. The Uko-Okpala Office is the third position to the Okpala-Uku of Echala Abbi. The Office is held for three years before an Okpala-Uku of Echala Abbi is enthroned. He is a regent.

His Royal Highness Chief Christopher Enueweosu is a stiff antagonist of Late Chief Anthony Olisejindu Okolocha (JP) of Okwele Abbi. They hardly synergized for the peace, harmony and progress of Abbi. While Chief Okolocha was an open minded character ready to compromise, HRH Chief Enueweosu is an uncompromising schemer whose gladiator-mien has been unrivaled in the history of Abbi. He is an arch-traditionalist and the architect of why Abbi is not a monarchy today. He believes so much in the divine rights of the Amacha group that he is a cult-like father-figure in Abbi but was unable to transform the Amacha group to produce the ‘king of Abbi’. HRH Christopher Enueweosu had a late elder brother, Honourable Ojo Enueweosu who was one of the great political figures of Abbi community before the later emergence of the likes of Honourable Dr. (Barrister) Eugene Okolocha, Honourable (Barrister) S. O. Ogokuni and Honourable Charles Emetulu all elected Members of the Delta State House of Assembly. Honourable Christopher Ojo Enueweosu was also an arch-angel of the Okpala-Uku clan-head system of administration in Abbi. He served in several positions within the structure of the OkpalaUku-in-Council system including but not limited to being the Secretary of the Okpala-Uku-in-Council after he was elected (or appointed) as Chairman of Ndokwa Local Government Council; Sole Judge of the Customary Court, Kwale and later elected into the House of Assembly, Benin-City, Bendel State.

HRH Christopher Enueweosu and Honourable Ojo Enueweosu constitute the stiffest opposition to the transformation of the Umu-Ndueze family from being the ‘Oyuwa of Abbi’ to being the ‘King of Abbi’. Because they do not belong to the ‘Oyuwa of Abbi’ producing family it was easy for the Umu-Ndueze family to be defeated in their bid to produce the ‘King of Abbi’. In the litigation which the Umu-Ndueze family commenced at the High Court of Justice, kwale, they argued that the ‘Oyuwa of Abbi’ should be made the king or traditional ruler of Abbi in response to the desire of the Delta State government under the administration of Group Captain Ibrahim Kefas (Military Administrator) to change traditional ruler-ship from gerontocracy to monarchy in Delta State Council of Chiefs. It was argued by the State and Ukwuani elites in the likes of Professor Steve Okecha and Barrister Chidi I. Egwenu (as cited in Ozah, 2014, p 115) that the Okpala-Uku clan-head system was weak in age and literacy and that modern rulers should be enthroned in the various communities under the Local Government Chairmanship of Major Mike Ogbedo (Rtd) (Ozah, 2010, p. ix). The significant point is that the discriminatory tendency in Abbi manifested itself when despite the spiteful relationship between Okwele and Echala (under Chief Okolocha of Okwele and Chief Enueweosu of Echala) the entire community of Abbi was unanimous in declining to upgrade the ‘Oyuwa of Abbi’ to be the King of Abbi. Yet, in the litigation, while Umu-Ndueze family was finding funding difficult, the entire Abbi community was literally bankrolled by HRH Christopher Enueweosu who, until the emergence of Mr. Austin Avru of Okwele, was the richest man in Abbi but never featured as a party but called the shots from the rear.
In his elitist disposition, HRH Christopher Enueweosu did not only sponsor the litigation against the Umu-Ndueze family claim, he used his far reaching influence in the Bendel State government to procure a declaratory gazette of the State government that the traditional rulership scheme of the Abbi community was the Okpala-Uku system. In the process of getting the gazette, he went on to 'shortchange' the Okwele quarter from being a ruling house in Abbi claiming that it was only Echala quarter made up of Umia and Elovie that consisted the sole ruling house of Abbi. In other words, the Okwele-uno and Inam of Abbi cannot aspire to and ascribe to the ruler-shipe title of Okpala-Uku of Abbi.

The declaration which was made and dated at Benin City on 28th day of September, 1979 when HRH Chief Christopher Enueweosu was in control of the levers of the Bendel State government, and which was signed by D. P. Lawani, O. O. N., KSG, Secretary to the Military Government, Bendel State of Nigeria states, Declaration of Customary Law Regulating Succession of Traditional Ruler Title. It is hereby notified for general information that in exercise of the powers conferred by section 8 of the Traditional Rulers and Chiefs Edict, 1979, and by virtue of all other laws enabling it in that behalf, the Executive Council of the Bendel State of Nigeria has approved the following declaration:

(1) There is only one Ruling House in Abbi known as Echala comprising Elovie and Umia quarters.

(2) Succession is gerontocratic and devolves on the oldest man in the ruling House.

(3) Upon the demise of an Okpala-Uku, interment takes place within two days, and the children of the Okpala-Uku inform the Okwa age grade of the death, and then the deceased Okpala-Uku’s spokesman (Ogbumi) announces the death. Burial rites and ceremonies which last for a period of nine days are performed and completed by the deceased Okpala-Uku children and relations. Within two months of the completion of the burial rites and ceremonies, the Ndiche is conveyed from the residence of the deceased Okpala-Uku (Uko-Okpala) who acts as Regent during an interregnum of three years.

(4) Thereafter, the second Okwa in rank to the deceased Okpala-Uku (Okwa-Uku) is the Okpala-Uku designate is installed as Okpala-Uku (a process signified by the conveyance of the Ndiche from Uko-Okpala’s residence to the new Okpala-Uku next succeeding).

Cats out of Bag

Attempt shall be made to cite extensively the Bendel State of Nigeria Chieftaincy Review Commission: A Report on the Customary Laws which regulate the Selection and Succession to the Traditional Ruler Titles in Ndokwa Local Government Area (commonly referred to as the Justice S. O. Ighodaro Commission set up on October 31, 1977).

The report on the Okpala-Uku of Abbi states, ‘During the current enquiry, the stool of the Okpala-Uku of Abbi is vacant but there is a Regent (Uko-Okpala). Two memoranda were received in respect of the traditional ruler title of Okpala-Uku of Abbi: One was from Chief Anthony Olisejindu Okolocha, an Onotu from Okwele quarter of Abbi and the other was jointly submitted by Chief Joseph Osuya Osademe, former Onotu-Uku of Abbi and Mr. H. C. Oyemike a school headmaster. Oral evidence was presented by Chief Joseph Osuya Osademe assisted by Chief Opute Ukor, former Spokesman of Okpala-Uku (Ogbumi) of Abbi and the interpreter was Mr. H. C. Oyemike. The Commission observed that Chief Anthony Olisejindu Okolocha from Okwele quarter was not present neither did any representative from that quarter attend the proceedings of the Commission. Subsequently, Chief Okolocha’s Counsel informed the Commission that his client was not aware of the date of the Commission’s sitting. This reason was unacceptable to the Commission.’

The Commission continued, ‘From the Memorandum and oral evidence, the following are said to be the rules governing succession to this title: (2) Number and Identity of Ruling House(s): There is no ruling house in Abbi. The clan has three component quarters namely: Elovie, Umia which together form Echala, and Okwele. It was said that of these three quarters, only Echala
(Elovie and Umia quarters) produces Okpala-Uku for the whole of Abbi. They agreed that Okwele has its own Okpala-Uku but he is not the Okpala-Uku of Abbi. Therefore, Elovie and Umia (Echala) can be referred to as the ruling quarters of Abbi clan. (3) System of Succession: Succession to the title of Okpala-Uku of Abbi is limited strictly to the eldest male adult from either Elovie or Umia quarter of Abbi (Echala) whose ancestors were said to be the founders of Abbi. Accordingly, it is the Okpala-Uku of Abbi from Echala who serves the god of the earth (Ani), and who owns and keeps the clan fetish (Ndichie). Okpala-Uku is the eldest male member from amongst the elders of Elovie and Umia who belong to the Okwa age grade. Since succession to the title is by gerontocracy, there is no other qualification. Insanity, physical deformity, contagious diseases such as leprosy etc are no barriers for the eligible to become the Okpala-Uku of Abbi. Females are barred from succession to this title.

(4) Identity of Candidate: The eldest male adult from amongst the Okwa age grade of either Elovie or Umia quarters of Abbi is identified as the Okpala-Uku designate. (5) Regency: During the period of interregnum of about three years, the Uko-Okpala who is the third most elderly man from Elovie or Umia (Echala) acts as regent. (6) Number and Identity of the Kingmakers: There are no kingmakers in respect of this title. (7) Burial-Installation Rites: When an Okpala-Uku dies his children and relatives formally inform the Okwa age grade of his death, and then his spokesman, the Ogbumi announces the death of the Okpala-Uku by saying that ‘he has travelled’. Responsibility for the burial ceremonies of an Okpala-Uku is borne by his children and relatives. Interment takes place within two days from the date the children-relatives inform the Okwa age grade of the death of the Okpala-Uku and burial ceremonies last for nine days from the date of interment.

‘Within a maximum period of two months from the end of the burial ceremonies, the Uko-Okpala gets himself prepared to receive the clan’s fetish (Ndichie) which has been in the custody of the deceased Okpala-Uku. Accordingly, the Onotu-Uku invites members of all age grades and after performing certain traditional rites, the Otunta age grade is assigned to convey the Ndichie gods to the Uko-Okpala who keeps them for about three years during which he acts as regent. After three years of interregnum, a new Okpala-Uku is installed by the transfer of the Ndiche gods from the house of the Uko-Okpala to his house. Responsibility for the dress and decorations of an Okpala-Uku is borne by his children and relatives. (8) Draft Declaration: There is no approved declaration in respect of this title. A draft declaration based on the findings of the Commission is attached as appendix 111 of this report.’

It requires no further elucidation that the foregoing Justice S. O. Ighodaro Commission’s Report of 1977 led to the above cited declaration signed by D. P. Lawani, O.O.N, KSG in 1979 two years after. Now, so much effort was made in the course of this research at trying to locate a declaration regulating the succession to the throne of the Okpala-Uku of Okwele Abbi but none was found. Much as the declaration has stated that Okwele Abbi is not a ruling house for the purposes of the Okpala-Uku of Abbi, the Ighodaro Commission’s Report however acknowledges that, ‘They (that is the Echala people of Abbi which appeared before the Commission) agreed that Okwele has its own Okpala-Uku but he is not the Okpala-Uku of Abbi. Therefore, Elovie and Umia (Echala) can be referred to as the ruling quarters of Abbi clan.’

The period of Military rule between 1977 and 1979 was not the best of times in the socio-political development of Nigeria. Communication was largely manual and analog. The legal Counsel to Chief Anthony Olisejindu Okolocho in Bendel State then was Jim Akhere, an astute Solicitor and Scholar who was based in Benin City. The evidence before the Commission that Chief Okolocho was not properly communicated as to the sitting of the Justice Ighodaro Commission was not far from the truth. Many years later, when Chief Okolocho was broached by the researcher on the issue, he was forthcoming in alleging that it was one of those ‘manipulations of the Amacha group in government’ led then and now by Commissioner Christopher Enueweosu to relegate the people of Okwele quarters to the background, but ‘Okwele will survive such machinations in due season.’ It was even
reasoned that as the Echala quarters had agreed that the Okwele quarters was of a separate Okpala-Uku clan-ruler-ship structure, and it was only the Memorandum of Chief Anthony Okolocha that was submitted for the quarters, Justice Ighodaro Commission ought to have taken it as presented and approved for the Okwele quarters. But then were the times of technicalities in legal procedure. If a party makes and files a written brief, the party must appear to adopt same unlike currently, when the brief could be deemed adopted. For the Okwele people, it is not traditional, ancestral and ethnic differences in and of themselves, that are the problem, it is the navigation of the contours of these differences by the people who wield political influence and symbolic power that activates the stifling tensile of stress (Agbo, Ochonu & Kperogi).

The benefit of doubt may have to be given to the Okwele people of Abbi and Chief Anthony Okolocha because a similar scenario played out at Utagba Uno where another ‘micro-potentate’ had held the Utagba Uno people down to the stake. A worse case-scenario in Utagba Uno involves Rear Admiral Ojinika Onah and Barrister C. I. Egwenu. The Military Officer was alleged to have also manipulated the Justice Ighodaro Commission with regards to the Okpala-Uku clan head ruler-ship of Utagba Uno. In a pamphlet, ‘Utagba-Uno Ebologu Bu Enyi: The Okpala-Uku Clan Head Fraud in Utagba-Uno: Its Origin in 1979 and Its Demise on 1st March 2012’ the Lawyer penned ‘a Rejoinder to Ighodaro Commission Report published at page 18 of Ndokwa Vanguard of February, 2014’ as follows, ‘Administrative Commission of Inquiry are used to ascertain the wishes of the Community. Where the Commission is manipulated and misled as happened in the Ighodaro Commission relating to Utagba—Uno, it is too bad for the Community.’

Barrister C. I. Egwenu claimed that the Commission was set up by His Excellency, the then Military Governor of Bendel, Navy Commodore Husaini Abdullahi p.s.c on 31st October, 1979. However, witnesses from Ndokwa Local Government Area appeared before the Commission from March 14th to 30th April 1979. It was an auspicious time for Isulumani family of Isumpe quarter, Utagba-Uno as its son (Rear Admiral Ojinika Onah) was an Officer in the Navy with the said Military Governor. Accordingly, the family of the Naval Officer was projected as the only ruling house and the quarter to produce the Okpala-Uku of Utagba-Uno as follows, ‘The Commission therefore accepted Isulumani’s falsehood told by Late George Opia Ado that, “Their ancestor (Isulumani) was the eldest son of Ezeti the founder of Utagba-Uno and the ancestral shrine Ndiche of Utagba-Uno is held by Okpala-Uku from Isulumani family in Isumpe quarter” (see page 5 of Ighodaro Commission Report, 1977)’ (Egwenu, 2014, p. 2, 3 &10). In his work, ‘Now I Know My People: A Commentary on the Ndokwa Nation’, Professor Steve Agwor Okecha (2012, p. 7, 8 & 9) has posited that over the years, he studied the Ndokwa elite and concluded in a poem that ‘he is not an enigma, he is simply a paradox’. The Ndokwa man ‘aspires to be tall… but prefers candidly to be a Lilliputian …beats his chest at home as a great political leader…but ….he is selfish as a politician….Among his people he is bold and courageous (manipulative) but turns jelly an inch away from his homeland…’

Injunction against HRH Christopher Enueweosu

It requires re-emphasis that the declaration signed by D. P. Lawani was the trump card of the Amacha group in trouncing the Umu-Ndueze family of Abbi in their bid to get their ‘Oyuwa of Abbi’ recognized as the ‘King of Abbi’. But where does the declaration exclude the Umu-Ndueze and Umu-Ewolokpo families from ascension to the throne of Okpala Uku of Abbi? Suspicion gave way to reality when Chief Christopher (manipulated his age, according to Chief Orsino Chimsunum) to become an Okwa. He was the fifth oldest Okwa by ‘his reckoning’ in Echala quarter and went ahead to manipulate the Okpala-Uku-in-Council of Echala into believing that he was the third in rank. In Suit No Nwacc/37/2022 Okwa Egu Fredrick Ogene & 5 Ors. v. Okwa Christopher Egbedi Enueweosu, High Chief (Engr.) Orsino Chimsunum the 6th plaintiff in the case deposed to an affidavit in support of a Motion on Notice for an interim injunction restraining the 3rd to the...
6th defendants (Chief Nze Usama, Chief Christopher Olisekene, Chief Emu Ishioku and Mr. Godspower Chukwu) from installing the 1st defendant (Okwa Christopher Egbedi Enueweosu) as the Uko-Okpala of Abbi Echala pending the determination of the suit and an order restraining the 1st defendant (Okwa Christopher Egbedi Enueweosu) from parading himself as or performing the functions of the Uko-Okpala of Abbi Echala pending the determination of the case as follows:

‘The 1st plaintiff (Okwa Egu Fredrick Ogene) is the second oldest male in Abbi Echala after the death of the last Okpala-Uku of Abbi. He is from Umu-Ndueze family of Abbi and is the ‘Oyowa of Abbi’. The 2nd defendant (Okwa Njorbi Nwachukwu from Amacha) is the third oldest male in Abbi Echala, while the 2nd plaintiff (Okwa Nwabike Ebulubu from Ndueze) is the fourth oldest male in Abbi Echala. The 1st defendant (Okwa Christopher Egbedi Enueweosu from Amacha) is the fifth Okwa in the hierarchy of Okwas in Abbi Echala but not the fifth oldest male in Abbi Echala having fraudulently falsified his age to become Okwa in 2018. The 1st defendant (Okwa Christopher Enueweosu) was born in 1930 as against 1928 that he claimed to have been born during the Okwa selection process in 2018 (Plaintiff will rely on the certified age of his elder brother Late Chief Joseph Ojo Enueweosu at the trial). That the 1st defendant fraudulently displaced Elder Chidi Okechukwu (from Amacha lineage) who was actually born in 1928 to become Okwa by default.’

Chief Orsino Chimsunum continues in the affidavit, ‘It is the custom and tradition of Abbi community (Okwele quarter inclusive) that the third Okwa in the hierarchy of Okwa age grade becomes the Uko-Okpala on the demise of an Okpala-Uku. The Okpala-Uku of Abbi Echala is dead and was buried on the 2nd day of April, 2022 and Okwa Njorbi Nwachukwu (the 2nd defendant) is the third Okwa in rank and as such, the Uko-Okpala designate of Abbi Echala. The plot by some mischievous persons within the Okpala-Uku-in-Council of Abbi Echala to fraudulently install Christopher Enueweosu as Uko-Okpala is an aberration, a sacrilegious move directed at rewriting the history of Abbi thereby throwing the community into spiritual turmoil. The Ighodaro Commission of enquiring of 1977 carried out by Bendel State Government on Chieftaincy Declaration review as it concerns the selection-succession to the Traditional Ruler Titles in Ndokwa Local Government Area of Bendel State, clearly sets out the qualification of becoming an Okpala-Uku or Uko-Okpala at pages 1 to 14 of the Report. The Traditional Ruler and Chief Edict 1979 on the Declaration of Customary Law Regulating Succession to Traditional Ruler Titles in Bendel State clearly state the position of the Law Regulating Succession to the title of Okpala-Uku of Abbi.’

‘That the mischievous plan to Summersault the custom, tradition and culture of Abbi Echala by transferring the emblem of authority of the Okpala-Uku (Ndiche) to Christopher Enueweosu as Regent cum Uko-Okpala in Abbi community is sacrilegious and illegal. The desperation of the 1st defendant to Summersault the culture and tradition of Abbi to become the Uko-Okpala has evil and acidic intentions. The Enueweosu family has been in the forefront of causing breaches of the custom and tradition of Abbi in the past forty-five years.’

Uko-Okpala Contempt-Court

The trial Area Customary Court at Kwale, Delta State on hearing the application granted it and restrained Chief Christopher Enueweosu. The court handed down the injunction in the presence of Mr. Ben Ndidie Oluku who turned out to be an agent of the contempt nor. He, a Law Student at the Faculty of Law, Delta State University, Oleh campus and the Counsel to the contempt nor, M. O. Aghaoyibo Esq., made frantic efforts to sway the Court that all preparations and arrangements had been made and concluded to carry out the ceremony and that it would amount to huge economic loss if the ceremonies did not proceed the following day that it was slated to commence. The Court warned them vehemently of the consequences of contempt but they did not abide.

The Court order restraining Chief Christopher Enueweosu and the accompanying processes were to be taken to his ‘Otuotue Palace, Nne Kanu, Elovie’ and pasted conspicuously on the gates of the palatial compound about the largest in Abbi community but the following day 16th May, 2022 the community went ‘red’ instead of
Traditional Courtiers of Otunta age grade declined to go to the palace of the deceased Okpala-Uku, HRH Njorabaelie Eboagwu to convey the ‘Ndiche’ to Chief Christopher Enueweosu. A battalion of Soldiers stationed at Agbaro near Ughelli, Delta State was called in. Over 100 Police patrol vehicles and thousands of Police Officers and men took over Abbi Echala town. The local vigilante force came out in full swing. The Uko-Okpala of Okwele, HRH Eka Illoma and author of the book, ‘Abbi: Her History, People and Culture’ also volunteered. Okwele local vigilante yet, the custom and tradition of the conveyance of the ‘Ndiche’ was shunned as Mr. Ben Ndidi Oluku had to resort to the use of his Hummer Jeep to convey the ‘Ndiche’ Echala from the Palace of the deceased Okpala-Uku to the Place of Uko-Okpala Christopher Enueweosu. It was not only an aberration it was a abomination or a swift departure from the custom of Abbi to convey the Ndiche in a Jeep. The colourful Courtiers and mystic display that follow the exercise in the past was shunned.

In the circumstances of the revelation of the truth concerning the discrimination and denial of the natural rights of the Umu-Ndueze and Umu-Ewolokpo family to the ascension to the throne of the Okpala-Uku of Abbi Echala, and the desperate manipulation to cover up the contempt of the injunctive Orders of the Area Customary Court, Kwale, Mr. Ben Ndidi Oluku in Suit No Adcc/12/2022 Mr. Ben Ndidi Oluku & 3 Ors v. Oyuwa Obi Ogediniwe & 4 Ors approached the District Customary Court, Abbi with an Originating Motion brought under the inherent jurisdiction of the Court for the ‘interpretation of the Abbi native law and custom’ in the matters of (1) the family lineages entitled to produce the Uko-Okpala and Okpala-Uku of Abbi-Echala; (2) whether members of the Ndueze (Umu-Ndueze) and Ewolokpo (Umu-Ewolokpo) families can be made the Uko-Okpala and Okpala-Uku of Abbi Echala and the legal implications thereof; and (3) the constituted members of the Okpala-Uku-in-Council of Abbi Echala and for such order or further order(s) as the Court may deem fit to make in the circumstances. The Originating Motion was personally signed by Mr. Ben Ndidi Oluku, a law student as earlier stated (and an ex-convict in the United States of America). He was sentenced to 8 years imprisonment for international multimillion dollar money diversion and laundering scheme which resulted in a seizure of $4.35 million at the Southern District of Florida on 25 September, 2002. A Federal jury in Miami had previously convicted him in April, 2002 for conspiracy to commit mail and wire fraud, money laundering, oil theft and passport fraud (Marcos, 2002).

Amongst the defendants that Benjamin Ndidi Oluku sued at the District Court, Abbi while the suit for which he and HRH Christopher Enueweosu could be liable for contempt was pending, were Obi Ogediniwe ‘Oyuwa of Abbi’, Peter Emetulu Chibogu the ‘Nwadiani of Abbi’, Chief Orsino Chimsunum and Chief Solomon Egwenu (who had, decades ago, stated in a local newspaper during the Oyuwa of Abbi contest at the High Court of Justice, kwale that Oyuwa of Abbi was a ‘mere juju priest’). To demonstrate that the suit is the voice of Jacob but the hand of Esau, Godspower Chukwu, the Ogbumi of HRH Christopher Enueweosu, was brought in to depose to the affidavit in support of the Originating Motion and he deposed as follows:

‘I am the Ogbumi (Spokesperson) to the Okpala-Uku-in Council in Abbi Echala and during this period in office as the Ogbumi, certain issues arose as to who becomes the Uko-Okpala coupled with the constitution of the Okpala-Uku-in-Council. The question is whether the Ndueze and the Ewolokpo families can produce the Uko-Okpala or Okpala-Uku in Abbi Echala and the various members of the Okpala-Uku-in-Council are of different views and opinions regarding this matter. As the Ogbimi, I do not know which of the customs to apply and this matter has lingered till date. There is the need to know within the community, as to who becomes the Uko-Okpala and Okpala-Uku as well the constituted members of the Okpala Uku-in-Council of Abbi Echala to avoid one being misguided or misled. I know as a matter of fact that the custom and tradition of Abbi people rest in the breast of this court. This Originating Motion is brought for this Court to interpret the custom and for the mind of the people to be clear about this matter and to avoid breakdown of law and order by
persons who may not be cleared about the tradition of Abbi people. Time is of the essence.’

Rev. Professor A. A. Mordi, a Professor of ethnicism and inter-group relations, Department of Sociology and Psychology on 29th November, 2005 delivered the 10th in the series of Inaugural Lectures of Delta State University, Abraka on Ethnicism: Our yesterday in our today. In the course of the presentation Mordi (2004, p. 53) stated, ‘ethnicism and its practitioners are insensitive to the feelings and needs of dominated groups. In view of their insensitivity to the needs and feelings of other dominated groups, ethnicism impacts negatively and causes under-development of the entire … polity.’ It ‘does not recognize merit, excellence and expertise thus it promotes mediocrity and ascription.’ Mordi was particularly uncouth for good measure about ethnicism and its practitioners as he states further, ‘Mr. Vice Chancellor Sir, unlike sociologists before me, I am the first to argue that ethnicism is a practice that emerges out of ethnicity and that it should be seen as a practice in which the dominant ethnic group or groups in alliance camouflage their interest(s) as if it is the interest of every ethnic group in the …entity… my researches and study of ethnicism as an ideology of socio-control has highlighted the facts that one of the major bankruptcies of the practitioners of ethnicism is that they do not believe in equality of opportunity, fair competition, social justice… and… are void of good conscience (Mordi, p. 54). By practitioners of ethnicism in the context of this study, the Amacha group represented by HRH Christopher Egbedi Enueweosu, Ben Ndidi Oluku (an elitist ex-convict in US) and Ogbumi Godspower Chukwu are called out as being referred to.

On a broad spectrum, Mordi is not alone in the characterization of ethnicism and its resulting consequences of discrimination and marginalization of the victimized minority group(s). Igwe and Akolokwu (2014) in ‘The scar that has resisted eraser …’ submit that discrimination is a rock bottom attack on the personality of the victim. It seeks to separate and alienate the victim from membership of the human community. The authors for instance believe, concerning the ‘Osu of Igboland’, that because ‘these persons serve the deities that are revered, the natives (dialas) related with them with caution to avoid any negative implications and consequences that may follow with such interactions.’ They posit therefore, that ‘traditionally, the status of Osu may have resulted from the position they occupied as servants of the gods or deities.’ Thus, what the dominant Amacha group seeks to achieve in the stigmatization and denial endeavour in the circumstances of this study could be that when the Umu-Ndueze and Umu-Ewolokpo family members are prevented from ascending to the throne of the Okpala Uku of Abbi Echala which is the highest traditional leadership position in all of Abbi, the signal it firstly sends to the uninitiated in the scheme of manipulation is that they are not of pure origin or blue blood or that they had been made in antiquity to subject their birthright to conditions of indignity. Even if an Ndueze and Ewolokpo prophesies Christianity, his preference could be regarded as an admission of the lower status of incapacity to ascend to the highest throne of his forefathers being the throne of the ‘Ndiche-we-an’ of Abbi. If any of them comes up prosperous and stupendously wealthy the worse the speculation and stigma that the riches are owned to the ancestral origin of a second or third rate indigene.

But the most significant point to make, note and take away in this study is that though the Umu-Ndueze and Umu-Ewolokpo families have been dedicated to the service of the Nze (war) and the Ani (earth) deities, they are not discriminated against or are there discriminatory practices against them on grounds of marriage, residency and social association. The social and filial (marital) interactions between the Nduezes, Ewolokpos and Amachas of Abbi Echala are excellently cordial; same is between all of them and Okwele-unor and Inam Abbi making the bedrock upon which the nascent, newfangled discrimination the Amacha (Enueweosu group) is raising unfounded, illusory, mysterious and spurious. The discrimination is thus a scar that cannot resist the eraser. The schematic equation which the dominant Amacha group intends to build is that; if the Umu-Ndueze family is edged out and made to aspire as defence ministers of
the Nze-deity only and the Umu-Ewolokpo family edged out and is to aspire to the priest of the Ani-deity only, then the Amacha family group exclusively is left to the aspiration of the exulted royal throne of the Okpala Uku of Abbi (Nwabani, 2020).

Tribalism like ethnicism breeds unequal treatment as can be demonstrated by the Amacha scheme. Tribalism is the deep-rooted, innate consideration for the group, depicting extreme loyalty to the group and how members act, think, react and who they oppose or compete against. In traditional micro societies such as Abbi, it is linked by and driven by such forces as blood, religion, culture and sharing same ancestors or common leaders and residing in the same geographical space (Ndife, 2021). Allan (1978) and Ifidon (2003) (as cited in Igbafe, 2021) have studied various ethnic and tribal groups in Nigeria and came to the same conclusion that they are linked by lineage, ancestry, historical culture, rituals and rights. For Umu-Amacha family group as represented by HRH Christopher Egede Enueweosu and his cohorts, the Race Relation Theory of Park (1939 and 1964) (as cited in Igbafe) is playing out or is being developed at Abbi Echala: it is the competition among the kindred families for control and power which leads to discrimination and marginalization which in turn can result in conflict which can be observed, unobserved or subtle with intent to dominate or subdue the minority Umu-Ndueze and Umu-Ewolokpo families. Pretending to be advantaged-communal-contenders with some cultural distinction in their heterogeneous Abbi community, they are contending for better share of traditional political influence, resources and power. The Amachas can also be characterized as an emergent elitist cult willing to and adept at mobilizing her constituents in response to changing and fluid political developments, opportunities and power resources in a modern post colonial Abbi out to unleash unequal treatment on her minority Ndueze and Ewolokpo brothers in relation to ancestral power thrones (Suberu, supra).

But the stock of facts at their disposal and manner of presentation are weak. They did not have the basic answers to the issues they canvassed in the courts. The onus in Nigerian civil law is that ‘who asserts must prove’. They did not assert positively in their affidavit that Umu-Ndueze and Umu-Ewolokpo families cannot produce the Uko-Okpala or Okpala-Uku of Abbi Echala. They did not depose positively that because Nze shrine is served by Umu-Ndueze and Ani shrine is served by Umu-Ewolokpo, then both of them cannot aspire to become and ascend the thrones in order to serve ‘their inclusive god called Ndiche’. No evidence was offered in the deposition and no oral evidence was called by them upon which a trial court could have relied to make such findings in their favour. On the other side of the coin, the Nduezes and the Ewolokpos presented a positive version of the issue in controversy. They are not in a quandary or not knowledgeable as to the position of the custom. They did not leave the facts of the custom and tradition at the bosom and breast of the court. Their sets of facts were not contradicted by any counters or replies. It is the civil procedural law as held in Unibiz vs. Commercial Bank Ltd (2005) Vol. 128 LRCN 1484 at 1495 that what is not denied is deemed admitted.

Ndueze and Ewolokpo Appeal

When therefore the Umu-Ndueze and Umu-Ewolokpo families were defeated at the ‘home match’ before the District Customary Court, Abbi in Adcc/12/2022 Ogbumi Godspower Chukwu & 3 Ors vs. Oyiwa Obi Ogediniwe & 4 Ors in a well considered judgment delivered on 23rd May, 2022 by G.C. Ojieh Esq (a native of Emu Uno) and two members (K. F. Ochonogor and P. I. Olisemeke who are both from Okwele quarters, Abbi) that was alleged to have been ‘procured’ by Chief Orsino Chimsunum, (an allegation that was frowned upon by the Chairman and presiding officer of the court) an appeal was lodged to the Delta State Customary Court of Appeal, Cable Point, Asaba. The two families argued that a trial court faced with the nature of the facts presented before it ought to have entered judgment in their favour on the balance of probabilities as their set of facts was weightier than that of the Amachas. They accused the trial court of arrogating to itself the knowledge of the
custom and tradition of Abbi without any evidence from the Umu-Amachas. The trial court took over the proof of the Amachas’ case from them. They claimed that the trial court literally descended into the arena of conflict and took the gauntlet thrown to it by the Amachas when they stated that, ‘As the Ogbumi, I do not know which of the customs to apply … and … I know as a matter of fact that the custom and tradition of Abbi people rest in the breast of this court.’

The trial court (G. C. Ojieh Esq) took over from the Amachas by starting as follows, ‘It is however pertinent to state that the customary law (native law and custom) of Abbi Echala and the entire Ndokwa nation is unwritten. Notwithstanding, this honourable court being a native or customary court is not only manned by the Chairman who is a member of the legal profession but two (2) other Judges who are also natives and highly knowledgeable in the area of the native law and custom of the people. The court is constituted to ascertain the custom and tradition of Abbi Echala where it is domiciled. Therefore, it will be correct to state that the customary law of Abbi Echala and the entire Abbi rest in the breast of the court.’ Much as Chief Orsino Chimsunum was later to canvass that the judgment was not only ‘procured’ but ‘preemptive’ in that the trial court appeared to have been working in cahoots with the Amachas to give a strong and final legal cloak to the ancestral discrimination and stigmatization of the Umu-Nduezes and Umu-Ewolokpos, they were to submit later before the Delta State Customary Court of Appeal, Asaba with due respect to the trial court, that the customary law of Abbi and the entire Ndokwa nation is not unwritten. Written (persuasive) authorities were referred to like the Intelligence Reports, the book, ‘Abbi: Her History, People and Culture’ by Chief R. O. Eka Iloma (JP) (and later, the Uko-Okpala of Okwele Abbi); ‘Contemporary History and Culture of Abbi’ by Elder Johnson Ebeli Oweh; ‘Ndiche Echala is an inclusive god of the Udus, the Ewolokpos, the Umuteus, the Ikilikes, the Nduezes and all that came in the name of Amacha for common identity, it is manned by the Okpala-Uku of Echala’, the trial court was ‘uncharitable, depreciable and despicable in inserting “Amacha” in the above quoted passage after the “Udus” in an attempt to rewrite the book. It was also erroneous and unsupportable to hold that the Nduezes and Ewolokpos were excluded from ‘all that came in the name of Amacha’ when in fact they were mentioned and included’. In fact ‘Amacha’ covers all of the families in Echala: that is, ‘all that came in the name of Amacha’ when in fact they were mentioned and included’. The appellants reasoned that with Kingship thrones at Amai (Igwete of Amai Kingdom), at Ezionum (Ezhie of Ezionum Kingdom), at Umukwata (Ukwata of Umukwata Kingdom), at Emu (Ezemu of Emu Kingdom) and at Utagba Ogbe (Nze Ukwo of Utagba Ogbe) the trial court was largely in error in holding that the custom and tradition of ‘the entire Ndokwa nation was unwritten’. They believed that the attacks made by the trial court against their documentary evidence when the Amachas did not do so or present any were uncharitable as their opponent’s affidavit was ‘bare, negative and empty’. Although the trial court relied on ‘Abbi: Her History, People and Culture’ that, ‘Ndiche Echala is an inclusive god of the Udus, the Ewolokpos, the Umuteus, the Ikilikes, the Nduezes and all that came in the name of Amacha for common identity, it is manned by the Okpala-Uku of Echala’, the trial court was ‘uncharitable, depreciable and despicable in inserting “Amacha” in the above quoted passage after the “Udus” in an attempt to rewrite the book. It was also erroneous and unsupportable to hold that the Nduezes and Ewolokpos were excluded from ‘all that came in the name of Amacha’ when in fact they were mentioned and included’. In fact ‘Amacha’ covers all of the families in Echala: that is, ‘all that came in the name of Amacha for common identity’ but the trial court ‘mischievously tried to qualify only “the Udus” with “Amacha” which was not borne out of any evidence on record and even the author the trial court quoted from’.

The authors of the two books on the history of Abbi (Eka Iloma (2017) and Ekel Oweh (2018) and the Intelligence Reports did not exclude the Nduezes and Ewolokpos from serving the Ndiche (ancestral god) and the trial court was also in grave error when it held that, ‘every Abbi man knows that it is the oldest man from the Ewolokpo lineage addressed as “Nwadiani” that serves the god of the earth (Ani) and not the Okpala Uku of Abbi.’ The appellants submitted that it was perverse for the trial court to hold that, ‘the authors of the books and Intelligence Report do not know or appreciate the structural division of powers over the various principal clan fetish gods, namely: Nze (god of war), Ani
(god of earth) and Ndiche (ancestral god)’. They argue further that ‘every Abbi man’ was not called as a witness at the trial by Umu-Amacha or was this opinion of the trial court captured in the affidavit in support of the Originating Motion. Worse still, how the trial court arrived at the principles of ‘structural division of powers’ as follows was unsustainable that, ‘the true position of Abbi Echala custom and tradition is that the Okwas from Ewolokpo extraction aspire to the position of Nwadiani, while the Nduezes aspire to be Oyiwa and those of Amacha lineage to the position of Okpala-Uku. Each position is thus the exclusive preserve of the respective lineages...he who wants equity should do equity. The court noticed that the Ewolokpos and Nduezes have been enjoying exclusively the high positions of Nwadiani and Oyiwa respectively and never shared with Amacha family.’

Undeterred, the Umu-Ndueze and Umu-Ewolokpo families canvassed before the appellate Customary Court of Appeal, Asaba that the trial court was not to do the case of a party before it against the opponents of the party. A court should not make a case for a party different from the one presented by that party before the court. A party which came to court that it did not know the custom abinitio has left nothing for the court to predicate a judgment in his favour because, ‘he who asserts must prove and no one can put something on nothing and expect it to stand’. No matter how knowledgeable the Chairman of the Court and his two judges are about the custom and tradition of Abbi people, it does not lie in their stations to do the case of the Amachas. It was the duty of the Amachas to prove their case (Ishola vs. UBN Ltd (2005) 127 LRCN 1209 at 1224, Lasis A. Abimbola vs. Saka Abatan (2002) QCLR 201 at 213 and Ugo vs. Obiekwe (1989) 1 NWLR (Pt.99) 566 at 581. In RTNACHPN vs. MHWUN (2008) 158 LRCN 251 at 287 it was held that affidavit evidence that is neither challenged nor debunked remains good and reliable evidence which ought to be relied upon by a court. In fact the learned trial court left much to be desired how it treated the weighted affidavit evidence of Chief Orsino Chimsunum that, ‘Umu-Ewolokpo has had Okpala Uku twice in the past (Okwa Igo and Okwa Ikobi) while Umu-Ndueze has had it for four times (Okwa Ugborne, Okwa Itebu, Okwa Ose (Uko-Okpala) and Okwa Osakwe (Uko-Okpala) and some of the relics of these reigns still exist in the various compounds of the families.

It was polemically argued before the appeal court that disenfranchising and disqualifying any member of the Okwa title age grade from assuming the position of Okpala-Uku or Uko-Okpala at a ripe age is strange, a breach of Abbi custom and tradition and it is repugnant to natural justice, equity and good conscience. That serving deities such as Ogbogudu, Okokoto, Nze, Ani, Ezemu etc is not a barrier to the ascension to the throne of the Okpala-Uku of Abbi as delegation of these offices is allowed. On proper evaluation of evidence, the appellants cited Momodu Olubodun & Os vs. Oba Adeyemi Lawal & Anor (2008) 12 SCLR (Pt. 12) 1 at 32 and Mogaji vs. Odofin (1978) 3 SC at 91 as guides to the effect that in deciding whether a certain set of facts given in a civil case before a court in which both parties appear is preferable in evidence to another set of facts given by the other party, the trial Justices, after a summary of all the facts, must put the two sets of facts on an imaginary scale, weigh one against the other, then decide upon the preponderance of credible evidence which weighs more, accept it in preference to the other and then apply the appropriate law to it, if that law supports it bearing in mind the cause of action, it will then find for the party. If not, the case of the other party will prevail.

Judgment in Ndueze-Ewolokpo Appeal

Delivering the unanimous landmark judgment against the Umu-Amacha in favour of Umu-Ndueze and Umu-Ewolokpo families, Justices P. O. Elumeze (President), C. N. Ojugbana J, Dele Okafor J, G. I. Abanre (delivering), J. S. Gberevbie J and F. E. Okumagba J began by stating that, ‘A Judge should not descend into the arena. A court has no duty to bridge the yawning gap in the case of a party (Fabiyi JSC in Suberu v. The State (2010) LPELR 3120 p. 18) A trial Judge must not be seen to descend into the arena of conflict in a trial, to generate evidence or facts not canvassed or adduced by
witnesses or apparent on the face of the records before him to decide a case (Ayoade v Spring bank Plc (2014) 4 NWLR (Pt. 1396) 93 at 128). In resolving the issue whether the judgment of the District Customary Court Abbi delivered by G. C. Ojieh Esq was against the weight of evidence, ‘we need to state that the stance of the law is that no court should make a case for any of the parties. In other words a party has to within the limits of the law, make and rely on the strength of its own case. It is not the duty of the court to start making out a case for any of the parties. Any court which does that will be descending into the arena (Okwejiminor v. Gbakeji (2008) All FWLR (Pt.409) 405 at 447).’

Justice G. I. Abanre continued, ‘A trial is unfair if the Judge, as an adjudicator shows interest or bias in the course of presiding over a matter. When a Judge descends into the arena it is obvious that he will have his vision clouded by the dust of the conflict (Yuill v. Yuill (1945) 1 All ER 183). In Olademo v. Lagos Building Investment Co. Ltd (2010) LPELR – 4735 (CA) the court decided on whether a court can make a case for the parties thus: ‘The law is very well settled that a court does not make for a party a case when a party has not made it for himself. The learned trial judge had clearly descended into the arena of contest and the dust raised there from did becloud his vision and this has resulted to a miscarriage of justice.’ (Re-writing a book) clearly shows that the trial court descended into the arena to make a case for the respondents against the run of the game, and the tenet of adjudication in pretense of interpreting the custom of Abbi-Echala which they claimed is in their bosom. We are inclined to agree with the Appellants’ Counsel that the actions of the trial court has indeed occasioned a miscarried of justice because the features that qualify a custom to be of such nature to be judicially taken notice of are in short supply in this particularly case before us. It is a notorious fact that it is not within the powers of a court to make a case for any of the litigating parties, as the trial court seems to have done by coming up with evidence. Apparently, there was no fact placed by the respondents herein (Umu-Amacha of HRH Christopher Egbedi Enueweosu, Ogbum Godspower Chukwu and Ben Ndidi Oluku extraction) for the trial court to interpret the native law and custom of Abbi-Echala people. It therefore remains curious how the court arrived at the interpretation as it did, which at best, could be from the personal opinion of the court.’

The trial court in this case descended into the arena to make a case for the respondents against the run of the game, and the tenet of adjudication in pretense of interpreting the custom of Abbi-Echala which they claimed is in their bosom. We are inclined to agree with the Appellants’ Counsel that the actions of the trial court has indeed occasioned a miscarried of justice because the features that qualify a custom to be of such nature to be judicially taken notice of are in short supply in this particularly case before us. It is a notorious fact that it is not within the powers of a court to make a case for any of the litigating parties, as the trial court seems to have done by coming up with evidence. Apparently, there was no fact placed by the respondents herein (Umu-Amacha of HRH Christopher Egbedi Enueweosu, Ogbum Godspower Chukwu and Ben Ndidi Oluku extraction) for the trial court to interpret the native law and custom of Abbi-Echala people. It therefore remains curious how the court arrived at the interpretation as it did, which at best, could be from the personal opinion of the court.’

In the entire length of the history of Abbi Echala and the manipulation of HRH Chief Christopher Egbedi Enueweosu for the past 45 years as deposed by High Chief Orsino Chimsununum, the judgment of the Delta State Customary Court of Appeal is the first in which the group was unable
to ‘procure’ a decision in its favour for its manipulative use. At the Justice Ighodaro Commission, it manipulated Chief Anthony Olisejindu Okolocha and his Okwele people out of the way to procure a declaration that it was only his section of Abbi that can produce a ruling house and the Okpala Uku of Abbi. His Royal Highness was able to use the manipulated declaration to manipulate the Umu-Nduce family from being upgraded from the ‘Oyiwa of Abbi’ to the ‘King of Abbi’. His Royal Highness was in the thick of his manipulative endeavour when he succeeded in becoming the number three Okwa in Abbi Echala whereas he was supposed to be number five in the hierarchy and even when the Area Customary Court, Kwale issued an injunction against him not to ascend the throne of Uko-Okpala of Abbi-Echala, he disobeyed the court orders and pulled at the strongest strings in Abbi history by procuring vast military and police forces to bear on his enthronement as the Uko-Okpala of Abbi Echala and in order to punish, marginalize and stigmatize the Umu-Ndueze and Umu-Ewolokpo families for daring to challenge and restrain him in his tracks, he recruited his foot-soldiers in Ogbumi Godspower Chukwu and Ben Ndidi Oluku to bring up the ‘yeoman’s suit at the motor park court at Abbi’.

Confronting the trial court openly while sitting that it was compromised and bribed to procure the judgment for HRH Chief Christopher Egbedi Enueweosu for his ‘mischievous inordinate quest for influence, power and greed for communal resources’, High Chief Orsino Chimsunum (who is sometimes referred to as the Most High Chief of Abbi) was threatened with contempt in the face of the court by the District Customary Court’s Chairman, G. C. Ojieh Esq. But for the prompt intervention of the defence Counsel for the Ndueze and Ewolokpo families, the shown-down could have led to a stampede as the people were vehemently charged against the ‘motor park court’ as the court presided by G. C. Ojieh Esq was later to be taunted. But HRH Chief Christopher Enueweosu is a huge-personality with a cult-like followership in Abbi. In a related but previous development, he had unilaterally introduced the initiation of Inotu Chiefs without regards to the conditions of doing so and in the process, populated the ranks of titled chiefs beyond the traditional dictates of the custom of Abbi Echala. All calibers of mediocre characters were brought into the grade without filters to the extent that they were called ‘Inotu Ekpuobor’ because they were recruited like soldiers from the families without regard to whether they had built a living house, home and family, well to do with functional jobs and occupations, free from previous criminal convictions and questionable pasts. A dispute over it that came before the Area Customary Court was one of the most ridiculous but highly publicized in the entire Ukwuani community to the extent that a middle ground was found and the case was shamefully withdrawn for resolution within the confines of Abbi Echala community. And as an irrepressible personality that cannot lie low in the history of power struggle and equation in Abbi whether in conventional politics or traditional and customary contentions; and even in the face of contempt against the order of the Ndokwa West Area Customary Court, Kwale restraining him from ascending to the throne or parading himself as the Uko-Okpala of Abbi Echala pending the final determination of the case, an appeal has been lodged against the decision of the Delta State Customary Court of Appeal to the Court of Appeal en-route to the Supreme Court of Nigeria.

**Conclusion**

The manner the disputes under study (over the discrimination of the Umu-Ndueze and Umu-Ewolokpo families) are being fought by the dominant Amacha group is so civil and technical that legal technicalities have taken the better part of the controversies. They have not hitched their case on reasons and facts. Why the two stigmatized families cannot ascend to the throne of the Okpala Uku of Abbi Echala did not and has not ‘come from the words of their mouths’ or reasoned facts. And this makes this study important. For a person to be denied a right under the law (whether native or not), reasons
must be adduced no matter whether it is rational or irrational; whether well founded or not. For the stigmatizing group so much is lost on them for why at this period in the history of Abbi community (which was built on a confederation of Okwele and Echala, and the “Ogideka Osa Abbi” and its palpable covenant shrine at “Ekpunmor” … the historical evidence of Okwele and Echala confederacy) they are seeking to untie things that had been tied together in lost antiquity, memory and distanced past (Eka IIoma, 2017, p. ix). The mute they have kept about the rationale as advantaged-communal-contenders leaves so much to be desired in trying to give any credence to their missions. That Abbi as a name ‘is derived from the covenant word “k’abili n’ofu uzo”, which … (is an) agreement “to live together in peace, to work in union to ward off external aggression and never to do harm to one another” should be instructive enough to the new elites that His Royal Highness Chief Christopher Egbedi Enueweosu and his acolytes have come to represent in Abbi of the modern era.

Amersfoort (cited in Suberu, 1996) believes that minority groups differ on whether they are geographically concentrated or dispersed; whether they seek participation in or isolation from the wider polity; or whether the policy of the wider polity seeks to discriminate, marginalize or stigmatize them as in the case of the Umu-Ndueze and Umu-Ewolokpo families of Abbi. While some authorities (like Ndife, 2021) believe that sufficient laws and litigations can curb the mortifying discriminations that emerge from multi-lateral ancestral origins or pluralism in micro societies like Abbi, others like Nwaubani (2020) and Agbo et al (2023) disagree. They argue that legal prescriptions are not enough to abolish certain if not all primordial customs that engender stigmatization and discrimination. This is because they are most times so deep-rooted (and colonial, post colonial literatures have so etched them in the psychic of the present era like the literary writings of Chinua Achebe and Wole Soyinka) that they appear now as ‘givens’. Writers and thinkers like Agbo et al argue that instead of combating ethnicism on the wrong assumption that ‘we must kill ethnicism before it kills the nation state’ the footing that should be encouraged is to view ‘ethnicity to the nation as climate is to the environment’.

Therefore leaders, whether in ethnic or civil government settings, must contend, interrogate and reckon with ethnicism. Constitutions and legal regimes that emphasize the concept positively should be uploaded while those which discourage its harmful effects should also be promoted. Grass-root engagement and studies aimed at demystifying it through governmental and non-governmental activities should be welcomed. Ethnicism and tribalism may not go away for a long time to come. What may have to be done is to curb people’s and group’s resort to them in desperation and inadequacies. The cases of HRH Chief Christopher Egbedi Enueweosu’s and Rear Admiral Ojinika Onah’s usage of the Ighodaro Commission to place their respective micro-families in advantageous positions for mere traditional ruler-ship positions and ancestral thrones speak volumes about what so-called elites do for themselves and their families against their own people in marginalization, discrimination and stigmatization. Such actions underscore what Mary Church Terrel (1906) (as cited in Silas, 2007 p. 16) stated before a Women Club in Washington, DC that ‘the chasm between the principles upon which this government was founded and those which are daily practiced under the protection of the flag yawns … wide and deep.’ The foundations upon which the forebears of these communities founded them and the present practices upon which these Generals, Commissioners and His Royal Highnesses want to run them presently yawns wide and deep.

**Recommendation**

- All discriminatory tendencies in Abbi should be pulled down as they are against the spirits of the earliest patriarchs of the community.
- All disputes pending in the courts of law should be pulled out as they negate the commensalism upon which Abbi was founded.
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